



## MEMORANDUM

### *Los Angeles World Airports*

Date:

**JUL 07 2016**

Memo To: Officer Marvin Wimbish Serial # 93331

A handwritten signature in blue ink that appears to read "Patrick M. Gannon".

From: Patrick M. Gannon, Deputy Executive Director – Security/Public Safety

Subject: Notice of Intent to Administer Disciplinary Action CF#16-035

#### **COMPLAINT**

This is a Department initiated complaint.

#### **ADJUDICATION**

The investigation resulted in four (4) allegations against you. The allegations are listed below with classification and supporting rationale.

#### **SUMMARY**

On April 20, 2016, while working at Ontario Airport, Los Angeles Airport Police Sergeant Steve Zouzounis conducted a routine check of Terminal 2. As Sgt. Zouzounis walked around the terminal, he didn't see any uniformed officers visible. Sgt. Zouzounis then decided to check the ASO Office, in an effort to locate the officer assigned to the terminal. When Sgt. Zounounis entered the ASO Office, he saw Officer Wimbish and a female, [REDACTED] later identified as [REDACTED] Employee [REDACTED] standing behind the office desk. Sgt. Zouzounis noticed that Officer Wimbish, who was on duty, and in uniform, had his gun belt lying on the office desk, and standing directly behind him was [REDACTED] dressed in her [REDACTED] uniform shirt, without pants or underwear, nude from the waist down.

Sgt. Zouzounis subsequently spoke to [REDACTED] and Officer Wimbish individually, and determined that inappropriate conduct had occurred.

#### **ALLEGATION 1**

The Los Angeles Airport Police Division alleges Officer Wimbish was involved in misconduct when he removed his gun belt, and allowed [REDACTED] Employee [REDACTED] to remove her clothing, and engage in inappropriate behavior in violation of the following:

**LAWA Administrative Manual Section 5.020.A.5 (Misconduct, on or off the Job, Seriously Reflecting on City Employees or Employment)-Engaging in illegal behavior or conduct in conflict with job duties on or off the job.**

#### **CLASSIFICATION**

- I classify ALLEGATION (1) as SUSTAINED.

#### **RATIONALE**

The investigation supports the facts described in allegation (1).

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**ALLEGATION 2**

The Los Angeles Airport Police Division alleges Officer Wimbish's on duty conduct with [REDACTED] Employee [REDACTED] where the two inappropriately kissed and Officer Wimbish permitted [REDACTED] to remove her clothing in a department office, is unacceptable behavior for a police division employee in violation of the following:

**LAWA Administrative Manual Section 5.020.B.1 (Job Performance Below Standard) - A violation of Departmental rules, as outlined in the LAWA Police Manual Section 5/8.14-Conduct Unbecoming an Airport Police Division Employee.**

**CLASSIFICATION**

- I classify ALLEGATION (2) as SUSTAINED.

**RATIONALE**

The investigation supports the facts described in allegation (2).

**ALLEGATION 3**

The Los Angeles Airport Police Division alleges Officer Wimbish failed to carry out his work assignment when he left his foot beat assignment, entered the ASO Office for approximately thirty (30) minutes, where he was engaged in inappropriate behavior with [REDACTED] Employee [REDACTED]. These actions were in violation of the following:

**LAWA Administrative Manual Section 5.020.B.5-Job Performance Below Standard: Failure to perform work assignments adequately or promptly.**

**CLASSIFICATION**

- I classify ALLEGATION (3) as SUSTAINED.

**RATIONALE**

The investigation supports the facts described in allegation (3).

**ALLEGATION 4**

The Los Angeles Airport Police Division alleges that while on duty, Officer Wimbish used poor judgment as a Peace Officer when he gained the trust of a contracted airport employee, allowed her inside the ASO Office, where she subsequently was allowed ~~her~~ to remove her underwear, and both engaged in kissing, in violation of the following:

**LAWA Administrative Manual Section 5.020.H.4-Standard of Conduct for Peace Officers; Abuse or inappropriate use of Peace Officer status.**

**CLASSIFICATION**

- I classify ALLEGATION (4) as SUSTAINED.

**RATIONALE**

The investigation supports the facts described in allegation (4).

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**PENALTY**

I proposed Officer Wimbish be TERMINATED from City Employment.

**ADMINISTRATIVE INSIGHT**

In reviewing the investigation presented, it is apparent Officer Wimbish used poor judgment when he engaged in sexual conduct with [REDACTED] Employee [REDACTED]. Although, both were consenting adults, the ramifications for Officer Wimbish's conduct compromises the public trust. Finding a uniformed police officer in a police facility with a member of the public with her underwear off is not the message we want to send to the public. Although, Officer Wimbish indicated that he and [REDACTED] had only known each other for a year, and they had not been romantically involved, it does appear that [REDACTED] was smitten by Officer Wimbish and she became more trusting of him. [REDACTED] was so comfortable with Officer Wimbish that she told him how she was bewildered when she noticed several men earlier in the day gaze at her. Unfortunately, it appeared Officer Wimbish was captivated with [REDACTED] story that he responded to her by complimenting her features, and subsequently walked her over to a mirror to point out her attributes, which eventually led to both of them kissing and the removal of [REDACTED] clothing. In any case, as law enforcement officers, it is our responsibility to control our actions, and when members of the public, become fond of uniformed personnel, it is our responsibility to control our emotions and focus on our mission. More so, when you consider Officer Wimbish is a tenured officer with (23) years of service, and respected among his peers. In the end, Officer Wimbish he should have simply known better.

**Training Issues**

None

**Workplace Issues**

None

**Work / Disciplinary History Analysis**

**Actions Taken**

None

**Recommendations**

None

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**DUE PROCESS**

You have the right to an administrative appeal of this proposed disciplinary action. The intended purpose of the administrative appeal is for you to provide additional information for the Department to consider as it relates to the proposed discipline; and/or to rebut the charges made against you. If you choose to exercise this right, you must respond and schedule your Skelly Hearing within five (5) working days of receipt of this notice. Therefore, you must respond by:

You need not go through the chain of command and may schedule an appointment by contacting Bertha Melgar in the Chief's Office at (424) 646-7169, or you may submit a written rebuttal addressing each allegation/s. You have the right to be represented by an attorney or by an authorized representative of your employee organization during this meeting. If you choose to respond as outlined above, your response will be considered before final action is taken.

**Failure to exercise your rights within the time limit stated above shall be deemed an admission of the charges. If you choose not to respond, the Department will proceed with the proposed penalty.**

All documentation relating to this investigation will be forwarded to Human Resources Division for processing. The cause(s) of action leading to your suspension as well as the specific dates of penalty will be issued to you on a Form General 77, Notice of Discharge, Suspension, or Probationary Termination.

<b>EMPLOYEE ACKNOWLEDGEMENT</b>	<b>PROOF OF SERVICE</b>		
I have received a copy of this document. My signature acknowledges receipt of materials, but does not indicate concurrence with the recommendations in this matter.	I have served this document to the employee.		
EMPLOYEE'S SIGNATURE	SUPERVISOR'S SIGNATURE		
SERIAL NO.	DATE	SERIAL NO.	DATE

PMG:DM:fpc

Attachments

cc: Internal Affairs

## **Internal Affairs Case Record and Employee Notification**

A Complaint Form listing the below named employee has been received by the Internal Affairs Unit. This form serves as the initial project assignment sheet for the investigating supervisor.

A copy is also sent to the involved employee, who will be notified if an interview is necessary. Interview notification will include information about administrative and representation rights.

Questions may be referred to the assigned investigating supervisor, or to Internal Affairs, (310)646-0500.

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### **EMPLOYEE INFORMATION:**

<b>EMPLOYEE NAMED IN COMPLAINT</b>	<b>SERIAL NUMBER</b>	<b>CLASS</b>	<b>AA CODE</b>
Wimbish, Jr., Marvin	93331		

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### **CASE INFORMATION:**

<b>COMPLAINT FORM NUMBER</b>	<b>COMPLAINANT</b>	<b>ASSIGNED INVESTIGATOR</b>
CF16035	Division	Sgt. Nettles
<b>ALLEGATION</b>	<b>ON OR OFF DUTY</b>	<b>FELONY, MISD. OR NOT CRIMINAL</b>
Illegal Behavior; Unalert on Job; Abuse of Peace Office Status	on	

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### **DATES (Due date: Date Assigned + 60 days)**

<b>RECEIVED BY PDS</b>	<b>RTD TO INTERNAL AFFAIRS</b>
4/26/2016	

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### **DISPOSITION INFORMATION (TO BE COMPLETED AFTER CASE ADJUDICATION):**

<b>DISPOSITIONS</b>	<b>PENALTY</b>

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Imer Chavez  
Lieutenant  
Internal Affairs Unit

# Confidential Disciplinary History

IA NUM	EMPLOYEE SERIAL	ALLEGATION	DISPOS	PENALTY
CF16035	Wimbish, Jr., M 93331	Illegal Behavior; Unalet on Job; Abuse of Peace Office Status		

You may need to check the employee Division Personnel File for disciplinary action other than that which has resulted from IA investigations.

Run date      Monday, May 09, 2016

**CONFIDENTIAL**



## MEMORANDUM

### *Los Angeles World Airports*

**Date:** May 26, 2016

**To:** Imer Chavez, Lieutenant  
OIC Internal Affairs, OCOAP

**From:** Belinda Nettles, Sergeant II  
Internal Affairs Unit

**Subject:** **Investigation of Personnel Complaint against Los Angeles  
Airport Police Safety Officer Marvin Wimbish Jr. Serial #93331,  
CF# 16-035**

#### **SUMMARY:**

On April 20, 2016 Los Angeles Airport Police Supervisor Steve Zouzounis made notification to the Internal Affairs Unit of an incident at Ontario International Airport. The incident involved Los Angeles Airport Police Safety Officer (ASO) Marvin Wimbish Jr., and [REDACTED] employee with [REDACTED] company office located at Terminal 4 Ontario, California).

Sgt. Zouzounis said he was conducting a routine foot patrol in the area of Terminal 2 in an effort to meet with the off-going Watch 2 patrol officer to ascertain if he needed anything prior to end of watch. When he didn't see ASO Marvin Wimbish in the area, he went to the Terminal 2, ASO Office, believing the officer may be there completing his Daily Field Activity Report/Log (DFAR) with only 40 minutes left on his shift.

Sgt. Zouzounis swiped his Airfield Operations Area (AOA) Badge, entered the room and saw ASO Officer Wimbish and a female [REDACTED] employee [REDACTED] in a compromising position. Wimbish was dressed in full uniform, standing behind the ASO office desk, his gun belt lying on the desk and [REDACTED] was standing/hiding behind Wimbish in her [REDACTED] uniform shirt, without pants or underwear, naked from the waist down.

#### **Allegations 1-4:**

1. **Los Angeles World Airports Administrative Manual, Section 5.020 A.5. – Misconduct, on or off the Job, Seriously Reflecting on City Employees or Employment; Engaging in illegal behavior or conduct in conflict with job duties, on or off the job.**
  
2. **Los Angeles World Airports Administrative Manual, Section 5.020 B.1. – A violation of departmental rules; Los Angeles Airport Police Division Manual Section 5/8.14 – Conduct Unbecoming of an Officer.**

3. **Los Angeles World Airports Administrative Manual, Section 5.020 B.5.** – Job Performance Below Standard; Failure to perform work assignments adequately or promptly.
4. **Los Angeles World Airports Administrative Manual, Section 5.020 H.4.** – Standard of Conduct for Peace Officers; Abuse or inappropriate use of Peace Officer status.

**INVESTIGATION:**

Sergeant Steve Zouzounis, (Serial # 03545) is currently assigned to the Ontario International Airport AM Watch (2000-0630 hours), Patrol Services Section. He relayed that on the date in question he was assigned as the Watch Commander, and after roll call, at approximately 2250 hours he was conducting a routine foot patrol in the area of Terminal 2. Sgt. Zouzounis said he wanted to meet with the Watch 2 officer prior to the end of his shift to verify if he needed anything before he went home. When he was unable to locate ASO Marvin Wimbish (2F21), who was assigned to Terminal 2, he thought he may be in the ASO Office (located in Terminal 2, just past the public restrooms). Zouzounis said, being that it was 40 minutes left in his shift, Wimbish may have been in the office completing his Daily Field Activity Log (DFAR). (**Addendum 1 – Complaint Form**) (Zouzounis Interview)

Sgt. Zouzounis said he swiped (door #1310) and accessed the ASO office at approximately 2252 hours. Once inside he observed ASO Officer Wimbish and a female [REDACTED] (identified as [REDACTED] employee [REDACTED]) in a "compromising position." Zouzounis said Wimbish was "standing behind the ASO office desk" (southwest corner of the room); he was in uniform, "fully clothed, but his gun belt was removed and lying on the desk." He said [REDACTED] was "standing/hiding behind him" (Wimbish) with "her [REDACTED] airport [REDACTED] uniform shirt on, without pants or underwear, she was naked from the waist down." Zouzounis said he saw [REDACTED] exposed buttocks. (**Addendum 5 – Reader Print Out & Addendum 1**)

Zouzounis said he may have stated, "What's going on," to which he believes Wimbish responded, "She's in a compromised position." (Zouzounis Interview, Page 3, Lines 22-24)

Zouzounis directed both Wimbish and [REDACTED] to "get dressed," but not to leave the room, at which time Zouzounis left the room to allow privacy to [REDACTED] to get dressed. He re-entered the room (at 2253 hours), after both were properly dressed. Zouzounis said he temporarily excused Wimbish, in order to speak with [REDACTED] privately to verify if the sexual activity he observed was consensual. Zouzounis said, "Her safety was my primary concern at that point." (**Addendum 1 & 5**) (Zouzounis Interview Page 3 Lines 26-37 & Page 4 Lines 1-24)

Sgt. Steve Zouzounis interviewed [REDACTED] Employee [REDACTED] – during which he declared the following: At approximately 2256 hours, he privately spoke with [REDACTED] while inside the ASO Office. Zouzounis asked if she was a [REDACTED] employee on duty and she responded "Yes." Zouzounis stated, I came into the room and I caught you with the officer while you were undressed, my concern is that you're here voluntarily

with the officer, she responded, "yes." Zouzounis asked, "So were you forced to be with him. Were you having sex, or what were you doing?" [REDACTED] responded, "No, we were about to have sex." Zouzounis then stated, "I caught you before you did?" She responded, "Yes." [REDACTED] Interview #1, Page 1, Lines 8-26; Zouzounis Interview – Page 4, Lines 19-30)

Zouzounis said, "So he didn't force you or threaten you or coerce you to be with him?" [REDACTED] responded, "No." Zouzounis said, "Everything you were about to do was voluntarily?" She responded, "Yes." [REDACTED] stated she has known Wimbish for a year or two. Zouzounis asked, have "you done this before here?" She responded, "No, I just didn't think for a moment. It just happened." Zouzounis asked again, "You hadn't done anything but you were about to?" [REDACTED] responded, "No, no, no. Yeah." In closing, Zouzounis asked, "So everything you did or were about to do was voluntarily because you like the guy; is that right?" [REDACTED] responded, "Yeah." He confirmed she was over 18 years old and she replied "Yes." (**Addendum 1**) ([REDACTED] Interview #1, Zouzounis Interview Page 4, Lines 32-37 & Page 5, Lines 1-2)

Zouzounis said, "Once I felt comfortable that she was there voluntarily, I excused her." (Zouzounis Interview Page 5, Lines 7-8)

*Note: I interviewed Sgt. Zouzounis, his statements relative to his interview with [REDACTED] were parallel with the information contained in the complaint summary narrated by him (Addendum 1).*

Sgt. Zouzounis then spoke to Wimbish while inside the ASO Office. Zouzounis said, "I asked him (Wimbish) if he was comfortable speaking to me in the room." Wimbish responded "Yes." Zouzounis said he asked Wimbish if "he wanted a representative present prior to speaking to me, and he declined saying no, I will talk to you." (**Addendum 1**) (Zouzounis Interview, Page 5 Lines 12-20)

Zouzounis said he then conducted a brief (2 minutes) interview with ASO Wimbish "on an emergency basis to confirm the stories of both parties to verify that no crime had occurred under color of authority and no further immediate criminal investigation would be needed with [REDACTED]" Zouzounis said Wimbish saw the recording device and he (Zouzounis) advised him he would be recording the conversation. (**Addendum 1**)

Sgt. Steve Zouzounis's Interviewed ASO Marvin Wimbish Jr. – during which he declared the following: At 2310 hours, Sgt. Zouzounis advised Wimbish that he would be questioning him regarding the incident that had just occurred in the ASO break room. Zouzounis stated, "I came in the here to do my routine patrol and check with you prior to your end of shift, when I observed Ms. [REDACTED] in the break room with you...; You were close and your gun belt was off." Can you describe your relationship with her," and what was your activity? Wimbish replied, "Yes. We are very close friends. We came into the office. I did have my gun belt off. We kissed. We were gonna take it further, but we didn't." Zouzounis asked, "So I interrupted you, then?" Wimbish replied, "Yes." (Wimbish Interview #1 - Page 1, Lines 14-27)

Zouzounis asked, "You both were here voluntarily, you have a fond friendship/relationship so that she was here voluntarily and there was no color of authority or

intimidation or threats or anything else that made her be present and partaking in this activity with you. Is that correct?" Wimbish responded, "Correct." (Wimbish Interview #1- Page 1, Lines 29-36)

Sgt. Zouzounis told Wimbish, "I did speak to her and she did say she was here voluntarily. Is there anything else regarding this you would like to add?" Wimbish said, "Yeah, I'd like to say we were thinking about taking it further. We didn't do it. We – I've never done anything like this before, and I'm really sorry and I don't want her to get into any trouble." (Wimbish Interview #1 - Page 2, Lines 1-8)

Zouzounis concluded his interview with Wimbish at approximately 2312 hours by saying, "What I saw was consistent with your statements. It appears as though you hadn't done anything but was in the process." Zouzounis added that during the interview, Wimbish was professional and cooperative during their contact. (Wimbish Interview #1 - Page 2, Lines 10-14)

Zouzounis said at that point he felt comfortable that no crime had occurred, and that no immediate additional investigation with her would be needed. Therefore, he ceased all questioning and concluded the interview. (Zouzounis Interview - Page 5, Lines 22-32)

**Note:** I interviewed Sgt. Zouzounis, his statements relative to his interview with Wimbish were parallel with the information contained in the complaint summary narrated by him (**Addendum 1**).

[REDACTED] Interview #2 - I re-interviewed [REDACTED] and she stated she works at the Ontario Airport for [REDACTED] a company that cleans floors. She said she was working in Terminal 2 and when passengers started to come in she really couldn't do much work during that time and therefore, she stopped working for a little bit and was just standing there. [REDACTED] said Wimbish was walking out and he said hi to her. She said she has known Wimbish for about a year, "so every time I see him or he sees me, he just says hi." She said they were friends, they would talk about their weekends, nothing more than that. She said Wimbish would ask her if she was in school or if she wanted to apply at LAX and possibly get a job there, because they have more openings. [REDACTED] Interview #2 - Page 3, Lines 8-17 & Page 4, Lines 1-3 & Page 14, Lines 27-30)

[REDACTED] said she and Wimbish were "talking" and walked by the police office and she said to him, "This is where your office is, right?" Wimbish responded, "Yeah, have you been in here before?" She responded, "No." Wimbish replied, "Oh, you wanna come in?" [REDACTED] responded, "Yeah." She said they "went inside, he showed me everything in there, and we were just talking and we just started kissing." [REDACTED] said, "But I didn't think it was gonna happen, but it just happened." [REDACTED] Interview #2 - Page 1, Lines 30-38 & Page 2, Lines 1-11)

She said they were in the room for "probably ten to fifteen minutes" before the Airport Police Sergeant walked in and saw them. She said her reaction at that moment was she "didn't know what to do." She was "just standing there" and said, "Sorry." [REDACTED] said she and Wimbish were just quiet, they didn't say anything. [REDACTED] Interview #2 - Page 2, Lines 18-31 & Page 6, Line 2)

I asked if she was fully clothed or not. She responded, "I had my shirt on. My pants were a little down." She confirmed that Zouzounis left the room temporarily to allow her to put her pants back on. She said Wimbish had his uniform on. [REDACTED] Interview #2 - Page 9, Lines 7-19 and Page 14, Line 13)

I asked her if anything else happened. She responded, "No, nothing else happened. Just kissing." I asked if this has happened before. She said, "No, it hasn't happened before." [REDACTED] Interview #2 - Page 6, Lines 8-18)

I asked did they have sex. She responded, "No, we didn't." I asked why not. She said, "Cause that's something I didn't want to do." I asked, at what point she realized it was something she didn't want to do. [REDACTED] responded, "When we were kissing," in her mind she realized she didn't want to. I asked her if she told Wimbish she didn't want to have sex. She responded, "He didn't really ask me to have sex." [REDACTED] Interview #2 - Page 12, Line 19-36 & Page 13, Lines 1-2, 33-34 & Page 14, Lines 2-3)

I ask what happened after the Sergeant entered the room, what did he say. [REDACTED] said Zouzounis "told Wimbish" to leave the room. She stayed with Zouzounis and "he was talking to me." [REDACTED] said Zouzounis asked her, "If he (Wimbish) forced me to do anything or what happened." She told him, "We were kissing and then nothing else happened." I (Nettles) asked [REDACTED] was she in the room voluntarily, did she go in the room on her own. She answered, "Yes, I was there voluntary." [REDACTED] Interview #2 - Page 8, Lines 12-37)

I also asked her why did she decide to go in the room, she responded, "Cause we were just talking. I didn't think at the moment." [REDACTED] said she went in "to see the room I guess." [REDACTED] Interview #2 - Page 9, Lines 1-5)

I inquired about their relationship outside of work, asking [REDACTED] had she and Wimbish gone out together when off work. She responded, "No, not at all." When asked if they had ever gone out for lunch, she responded, "No, never." [REDACTED] Interview #2 - Page 4, Lines 5-23)

[REDACTED] said she knows Wimbish is [REDACTED] I asked if he talked about his family and she said not really, other than mentioning [REDACTED] She said she does not have his phone number and she has not spoken to him since this incident. [REDACTED] Interview #2 - Page 6, Lines 17-32 & Page 9, Lines 21-24)

I asked if she wanted a relationship with Officer Wimbish and she responded, "No, I didn't. I never thought that was gonna happen." [REDACTED] added and reiterated that she "wasn't forced to do anything and nothing else happened, just the kiss and that's it." She said she "regrets what happened," what she did and she is "sure it's not gonna happen again." (Interview #2 - Page 10, Lines 14-16, Page 11, Lines 34-36)

**Note:** My interview with [REDACTED] was consistent with the information obtained in Sgt. Zouzounis's interview with her, with one noticeable exception.

Zouzounis stated he observed [REDACTED] "without pants or underwear, she was naked from the waist down." [REDACTED] stated her "pants were a little down." [REDACTED] Interview #2 - Page 9, Lines 10-14)

During my interview with ASO Wimbish, his statement was consistent with [REDACTED] [REDACTED] statement that, "she undid her pants a bit", "her underwear was still on, and her pants were down around her hips.." (Wimbish Interview #2 – Page 8, Lines 23-33 & Page 9, Lines 1-3)

During my interview with Sgt. Zouzounis, his statements in summary were consistent with the information contained in his original complaint. (**Addendum 1**).

Additionally, Zouzounis was asked by Sgt. Handley if it's common to have airport employees in the ASO office for any reason. Zouzounis said he hasn't witnessed it but couldn't confirm either way.

Zouzounis was asked if it was his intention to conduct an Internal Affairs Interview with Wimbish. He responded, "Absolutely not. No." He said it was only "to establish whether a rape kit or other type of investigation was needed." (Zouzounis Interview – Page 10, Lines 3-8)

Zouzounis added that Wimbish is very well respected by his peers and he has had no issues with him disciplinary or otherwise.

ASO Marvin Wimbish was interviewed and as the interview was initiated, Attorney Matthew Kane put an objection on the record, which was an allegation there was a "POBOR violation of an improper and illegal interrogation that took place on the day of the incident," taped recorded by Sgt. Zouzounis. Immediately following Sgt. Handley (2<sup>nd</sup> IA Investigator present) asked Wimbish, "At any time did he (Zouzounis) ask you if you wanted a representative there prior to him talking to you." Wimbish responded, "I believe he did." (Wimbish Interview #2 – Page 4/5, Lines 20-34 & 30-34)

Wimbish said he was on duty on April 20, 2016 assigned to Terminal 2 as Foot beat 21, dressed in full police uniform, his shift/watch was approximately 1600-2400 hours. He said between 2200-2300 hours Terminal 2 is usually busy with flight arrivals and during which time he talks to different airline tenants and people that come through the Terminal.

Wimbish said he and [REDACTED] did have a conversation but he wasn't sure of the time. He mentioned he has known her for about a year, she is a janitor at Ontario Airport and he considers them work friends. He said they talked about her car, because he knew "she had purchased a newer one." Wimbish also said, he told her "she could get a better job with the city of Los Angeles because they pay more and she'd have better benefits." Wimbish said during their conversation [REDACTED] told him about "firefighters" that kept walking up and down the aisle past her while she was in the grocery store looking at her. (Wimbish Interview #2 - Page 7, Lines 24-29, Page 12, Lines 15-19 & Page 25, Lines 1-36)

He said as they were talking, they ended up walking towards the "break room." Wimbish said once they got near the office door, she asked, "That's the office? I've never seen it." Wimbish responded, "Yes. Well, come in, and I showed her the office." He said, "She had never been in there, so we went in the office." Wimbish said he swiped his airport badge to gain access. (Wimbish Interview #2 - Page 12, Lines 35-38 & Page 13, Lines 1-23)

Wimbish said [REDACTED] mentioned, "It's a big office." He responded, "Yes. Let me show you why the firefighters kept walking past you." He took her to the mirror in the restroom and said, "This is why, cause you're an attractive woman." (Wimbish Interview #2 - Page 7/13, Lines 24-32 & 32-37)

He said they walked out of the restroom into the office area, and as he was getting ready to escort [REDACTED] out of the office, he took his "gun belt off" and put it on the desk, which "I normally do prior to completing my DFAR." Wimbish said, "At that time she turned towards me and leaned in and kissed me, and we started kissing." (Wimbish Interview #2 - Page 14, Lines 12-38)

He said they were in the office for five to ten minutes. Wimbish said sometime while they were kissing, "she undid her pants a bit," leaving her partially exposed. "Her pants were down around her hips, but her underwear was still on," he said. Wimbish said he was never undressed. (Wimbish Interview #2 - Page 16, Lines 13-33)

**Note:** The Reader History Report (door #1310) shows Wimbish swiped and entered the ASO Office at 1029 hours. Zouzounis swiped and entered at 1052 hours, which indicates Wimbish and [REDACTED] were actually in the room for approximately 23 minutes before Zouzounis entered. (**Addendum 5**)

Wimbish said Sgt. Zouzounis walked in at which point he (Wimbish) stated to Zouzounis [REDACTED] was in a "compromising position." He said he wanted to make sure she was decent as to not be further embarrassed. Zouzounis stepped back outside the office for about a minute giving an opportunity for [REDACTED] to get dressed. (Wimbish Interview #2 - Page 8, Lines 10-32 and Page 17, Lines 6-18) (**Addendum 5**)

I asked Wimbish if there was any discussion between him and [REDACTED] about the kissing or sex prior to and he responded, "No." Sgt. Handley asked when you entered the room, was your intention to kiss her or have any additional activities with her in the room, Wimbish responded, "No, not at all." (Wimbish Interview #2 - Page 17, Lines 25-38, Page 18, Line 1 & Page 23, Lines 2-9)

Wimbish said Zouzounis spoke with [REDACTED] alone first in the ASO office and then to him. He said Zouzounis stated, "This is not good, I have to interview you." To which Wimbish responded, "Okay and Yes" Wimbish then stated, "I believe he just went into the interview process. I don't remember if he asked me if I needed a representative or not." (Wimbish Interview #2 - Page 9, Lines 25-36, Page 10, Lines 1-35 & Page 18, Line 36)

**Note:** Wimbish's initial response was "I believe he did" when Sgt. Handley asked him if Zouzounis had asked if he wanted a representative present. (**See Summary - Page 6, Paragraph 5**)

I asked Wimbish if he knew the interview with Zouzounis was being recorded, he responded "Yes."

I inquired about his Daily Field Activity Report (DFAR) for the date in question and why there was no documentation referencing his communication with Zouzounis in Terminal 2. Wimbish responded, "Because I didn't even think about putting it on there." (Wimbish Interview #2 - Page 21, Lines 1-8) (**Addendum 8**)

Sgt. Handley asked Wimbish if his shift on April 20, 2016 was an overtime shift or a regular shift and he responded, "An overtime shift." Handley inquired whether or not it is normal to have anyone inside the ASO office. Wimbish responded, "Yes." When asked if there was policy against it. Wimbish said, "No." (Wimbish Interview #2, Page 21/22, Lines 26-36 & Lines 1-3)

Sgt. Handley stated to Wimbish, I assume you didn't feel threatened with [REDACTED] because you put your gun belt on the desk. Wimbish responded, "No."

Officer Wimbish added he [REDACTED]

Ontario ITMG was unable to provide video footage of the location because there was no signal to the two cameras in the area.

#### **INTERVIEW SUMMARIES:**

**Witness, Sgt. Steve Zouzounis**, an Airport Police Sergeant, Serial #03545, is assigned to Ontario International Airport, Watch 3. He was interviewed and stated on April 20, 2016 after roll call, he was on patrol and as a normal protocol he meets with the off going Watch 2 officers prior to their end of shift. While at Terminal 2, Zouzounis said he was unable to locate ASO Wimbish (2F21) in the Terminal or curbside and assumed he may be in the ASO office completing his log with only 40 minutes remaining in his shift.

At approximately 2250 hours, he swiped his Airfield Operations Badge (AOA) and entered the office, (door #1310). He observed ASO Wimbish standing behind one of the office desk and standing/hiding behind him was [REDACTED] without "pants or underwear." Zouzounis said the female had on a [REDACTED] uniform shirt but, she was naked from the waist down." He said ASO Wimbish was "fully clothed with his gun belt lying on the desk." (**Addendum 1**)

Wimbish stated to Zouzounis, that [REDACTED] was in a "compromised position," at which time Zouzounis said he left the room to allow time for them both to dress. He re-entered the room and excused Wimbish temporarily to speak with [REDACTED] privately. He said her safety was his primary concern and ensuring the activity was consensual. (Zouzounis Interview)

During the interview with [REDACTED] she said she has known Wimbish for 1 to 2 years. She confirmed she was there with Wimbish voluntarily and that she was not forced by him to be there. She stated, "It just happened and we hadn't done anything yet but were about to."

Zouzounis said he asked Wimbish if he was comfortable speaking to him and he responded, "Yes." He asked Wimbish if he wanted a representative present prior to speaking to him, and

INTERVIEW SUMMARIES CONT'D:

he declined saying "No, I will talk to you." Zouzounis said he conducted a brief interview to verify the stories were the same and no immediate criminal investigation was needed.

**(Addendum 1)**

During the interview Wimbish said, "we are very close friends.., we were going to take it further but didn't." Zouzounis said based on the information received from both, he felt comfortable that no criminal activity had occurred and ended the interview. **(Addendum 1)**

**Witness,** [REDACTED] is a janitor with [REDACTED] at Ontario International Airport. She works [REDACTED] headquarters located in Terminal 4, contact number [REDACTED]

She stated on April 20, 2016, she was cleaning the floors at Terminal 2 and when flights started to arrive, passengers were walking in the area so she couldn't really do much work during that time. She said she was just standing there when Wimbish walked out and they started to have a conversation. [REDACTED] said she has known him for about a year, they are friends and usually talk when they see one another.

[REDACTED] said they were walking and talking and she stated, "This is where your office is, right?" Wimbish responded, "Yeah, have you been in here before?" She responded, "No." Wimbish replied, "Oh, you wanna come in?" [REDACTED] responded, "Yeah." She said they "went inside, he showed me everything in there, and we were just talking and we just started kissing." [REDACTED] said, she didn't think anything like that was going to happen, "but it just happened." [REDACTED] Interview #2 - Page 1, Lines 30-38, Page 2, Lines 1-11)

She said Zouzounis walked in and saw them, her pants were down a little bit and her work shirt was still on. She said Wimbish was fully dressed.

[REDACTED] said Zouzounis left the office so she could get dressed. Once he re-entered the room, he told Wimbish to leave so he could talk to [REDACTED]. He confirmed Wimbish had not forced her to do anything. She stated she was there voluntarily. I asked her if Wimbish asked her to have sex or vice versa and she said no they never discussed having sex, and "he didn't ask me." [REDACTED] Interview #2 - Page 14, Line 1-8)

**Ontario Airport Safety Officer Marvin Wimbish, Jr.,-** a dual duty fire-fighter and police officer assigned to Ontario International Airport, Serial # 93331. During his interview he stated he was working an overtime shift and while patrolling Terminal 2 between 2200-2300 hours, he saw [REDACTED] and they started to have a conversation. He said he has known [REDACTED] for about a year and he considered her a friend, at work. He said they talked about her new car, her interest in working at LAX and her experience with firefighters while in a grocery store. While walking and talking they passed the ASO Office and [REDACTED] inquired about the office stating, "This is your office?" To which Wimbish responded, "Yes, have you seen it?" (Wimbish Interview, Page 7, Lines 3-38 & Page 12, Lines 15-38)

**INTERVIEW SUMMARIES CONT'D:**

[REDACTED] responded no she had not. Wimbish asked if she wanted to see the office, she responded, "yes" and they went inside. While there, Wimbish showed her the office and took her in the bathroom to look in the mirror to point out that she was an attractive women and that was the reason the firefighters were looking at her. (Wimbish Interview Page 13/14, Lines 1-38 & 1-12)

Wimbish said he was getting ready to walk [REDACTED] out of the office, he placed his gun belt on the desk and he said [REDACTED] leaned in and they "started kissing." Wimbish said [REDACTED] "undid her pants and moved them down around her hips." He said she was in a "compromising position" when Zouzounis walked in on them. (Wimbish Interview #2 – Page 14, Lines 13-27, Page 16, Lines 1-2 and Page 17, Lines 6-18)

Sgt. Zouzounis walked in and directed them to get dressed and left the room. He re-entered the room, asked Wimbish to leave momentarily so that he could interview [REDACTED] Zouzounis stated his concern was that she was there voluntarily and that no force or crime had occurred. Once he verified that, he released [REDACTED] and then interviewed Wimbish for the same reason. Zouzounis said, he asked Wimbish if he was comfortable speaking with him, and did he want a representative prior to doing so. Wimbish responded, "No, I will talk to you." Zouzounis asked a few pertinent questions and then ended the interview. (**Addendum 1**)

Wimbish said they never discussed kissing or having sex prior to or during the time they were in the ASO Office.

**DISCIPLINARY HISTORY**

None

**INTERVIEWS**

1. Sergeant Steve Zouzounis
2. [REDACTED] Employee [REDACTED] (Interview #1)
3. Ontario Airport Safety Officer Marvin Wimbish Jr. (Interview #1)
4. [REDACTED] Employee [REDACTED] (Interview #2)
5. Ontario Airport Safety Officer Marvin Wimbish Jr. (Interview #2)
6. Administrative Assignment



## **INTERVIEW – APD Sergeant Steve Zouzounis**

- 1 Nettles: This is a tape-recorded interview for Internal Affairs  
2 investigation No 16-035. Today's date is April 27, 2016.  
3 The time is 2022 hours. The location of the interview is  
4 1923 East Avion Drive, Ontario, California, at the  
5 Administration Building. Present to be interviewed is  
6 Sergeant Steve Zouzounis.  
7
- 8 Sergeant Zouzounis, can you spell your last name for me,  
9 please.
- 10
- 11 Zouzounis: Last of Zouzounis, Z-o-u-z-o-u-n-i-s.
- 12
- 13 Nettles: His serial number is 03545. He's assigned to Ontario  
14 Airport Police. This interview is being conducted by  
15 myself, Sergeant Belinda Nettles of Internal Affairs at Los  
16 Angeles Airport Police, Serial No. 96359. And also present  
17 in the interview is Sergeant William Handley, also assigned  
18 to Internal Affairs.
- 19
- 20 And, Sergeant Handley, can you give me your serial  
21 number, please.
- 22
- 23 Handley: 03524.
- 24
- 25 Nettles: Today we're here to conduct an interview involving an  
26 incident that occurred on April the 20<sup>th</sup>, 2016, at Ontario  
27 Airport involving Ontario Airport Safety Officer Marvin  
28 Wimbish, Jr.
- 29
- 30 Sergeant Zouzounis, can you tell us what happened?
- 31
- 32 Zouzounis: I began graveyard shift and came onto shift, relieving  
33 Sergeant Ron Hall. Took care of some administrative  
34 duties early on in my shift, briefed with Sergeant Hall, and  
35 made the transition onto shift.
- 36
- 37 Knowing that Watch 2 was going off duty shortly, I wanted  
38 to make a point to – I usually try to make a point to meet

1                   with them at least once during the watch and see if they  
2                   need anything prior to end of watch.  
3

4                  Nettles:       And can you give me a timeline for the start of your shift  
5                   and the end of watch – whichever watch was going EOW.  
6

7                  Zouzounis:     I believe I started at 8:00 o'clock, and they go end of  
8                   watch at midnight. But actually, it's more like 11:30 is  
9                   when they're driving into the station.  
10

11                 So realizing that it was nearing their end of watch, I went  
12                 in the field and made my rounds as I typically do.  
13

14                 In this case there's only two terminals, 2 or 4. I just  
15                 randomly picked Terminal 2. As you do an inner perimeter  
16                 check and roll around, I can hit 2 and then I can hit 4 and  
17                 then finish up and they'll be free to go ahead, and I'll  
18                 swing back 4.  
19

20                 At that point I'd be swinging back and meeting the  
21                 oncoming watch and then receiving the off-going watch  
22                 that I kinda just met with. It's something I normally do.  
23

24                 And so I went – the times may vary, but the practice is the  
25                 same. I went to Terminal 2. I don't like to call the officers  
26                 like a nagging mom so to speak. So I usually walk around  
27                 a little bit to see if I can see them in their area and not  
28                 interfere with their duties and call them on the radio.  
29

30                 I went curbside. It was moderately busy. I think a Aero  
31                 Mexico flight or something was getting going. Terminal 2  
32                 is generally a slower terminal, but it was a moderate  
33                 activity.  
34

35                 I didn't see him curbside. I didn't see him take a lobby  
36                 area. There's kinda four places I usually look, which is  
37                 ticketing, screening, and I then looked to see if their car's  
38                 in the rear, and I also – each terminal features a ASO

1 office, a police security office and that features facilities for  
2 the officers, from computers to weapon storage to a  
3 booking facility, evidence or found property storage and so  
4 forth. They each – both terminals have one such office.  
5

6 So I didn't see the officer. So I thought I'd – I assumed he  
7 would be maybe working on this log, which is very typical  
8 for someone within 40 minutes of their end of shift.  
9

10 So I just swiped the ACAMS and went in the office, as I  
11 often do, and I immediately saw Officer Wimbish with his –  
12 standing to the south of the south desk, and I saw his gun  
13 belt on the desk in front of him.  
14

15 I then saw a female [REDACTED] standing behind him and  
16 attempting to shield herself from view. I did see her  
17 exposed buttocks with no pants or underwear, but I did  
18 see her wearing a [REDACTED] uniform shirt only.  
19

20 Nettles: Okay. And what did you do when you observed this?  
21

22 Zouzounis: I may have said something like "What's going on?" and I  
23 believe he said, "She's in a compromised position,"  
24 something like that.  
25

26 And I said, "Well, both of you get dressed, neither of you  
27 leave, and I'll be outside."  
28

29 And I stepped out. I swiped again and exited. Stood right  
30 by the door. There is only one exit. So I don't know that I  
31 need to say that, but I was a little uncomfortable in the  
32 situation.  
33

34 And but I stood outside for two minutes or so, enough time  
35 for someone reasonably to get dressed. Knocked and then  
36 I think he acknowledged – I think Officer Wimbish  
37 acknowledged that it's okay to enter or something and I

entered in the room, and both were clothed and his gun belt was reaffixed in position and she was clothed.

I then directed Officer Wimbish to exit the room and I wanted to speak to the female alone. And I told him do not leave.

Nettles: Okay.

Zouzounis: And –

Nettles: And he complied?

Zouzounis: Complied, yes.

Nettles: Okay. And so what was the conversation with the female that was still in the room?

Zouzounis: My conversation with her is that I was concerned that she was there voluntarily and that it was consensual. That was my main concern. And so I asked her – I asked her if she was – I don't remember the exact verbiage. It's in the report. But I asked her if she, you know, if she was there voluntarily.

She said – without influence or threats from him – and she said yes. And I asked how long they'd known each other, and she said a year or two. And I asked her if they – whatever they were about – or what were they doing, and I think she said, "We were about to have sex."

And then I asked if it was consensual. She said yes. And I asked her if she was over 18, and she said yes. I asked her if she could see her – if she's on duty, and she said. I asked if she had a driver license. She said no. So documented her AOA badge.

1                   She verbally told me her date of birth, and I received her  
2 supervisor's name and phone number. I told her I wasn't  
3 sure it was gonna be handled, but I would likely be  
4 someone who would eventually be contacting them, and I  
5 excused her.  
6

7                   Once I felt comfortable that she was there voluntarily, I  
8 excused her.  
9

10 Nettles:       Okay. And once you excused her, what did you do next?  
11

12 Zouzounis:     I then called Officer Wimbish in, and to be fair and to  
13 ensure that the stories were consistent and that no crime  
14 had occurred, that no threat or influence of under color of  
15 authority occurred, I asked him if he would be okaying  
16 speaking to me in this room, and he said yes.  
17

18                   I said, "Do you want a representative with you?"  
19

20                   He said, "No. I'll talk to you."  
21

22                   I then kept the questioning very brief and to the point.  
23 Asked if – what was their relation, was she there  
24 voluntarily, and was any threat or force or color of  
25 authority issue occurring that made her partake in the  
26 activity, sexual activity.  
27

28                   And he said no, and at that point I felt comfortable that no  
29 crime had occurred, that no additional investigation with  
30 her would be needed immediately, time and sensitive-  
31 wise, and I ceased all questioning and concluded the  
32 interview.  
33

34                   I then told him to not speak to anybody about it and to  
35 finish his shift.  
36

37 Nettles:       Did you ask him if something like that had happened  
38 before?

1  
2 Zouzounis: I might have. I'd have to refer to my documentation. But  
3 I believe either her or him said that it just happened, it  
4 just was, like, spontaneous. That was the impression I  
5 got.

6  
7 Nettles: Okay. And did he say if it was the first time something like  
8 that had happened?

9  
10 Zouzounis: Yes, I believe he did.

11  
12 Nettles: Okay. Sergeant Handley, do you have any questions?

13  
14 Handley: How long you been assigned out here?

15  
16 Zouzounis: Since June of last year. So almost nine, ten months.

17  
18 Handley: What you do is a daily routine for you?

19  
20 Zouzounis: Yes. I usually meet with all officers once per shift, and as  
21 I said I try to be respectful and not just beckon their call.  
22 I actually try to get out of the car and actually go through  
23 and meet them, be respectful to them, 'cause I understand  
24 they're doing their duties and I don't wanna just be ringing  
25 the bell for them, so to speak. And so yeah, I usually do  
26 this. It's not a surprise that I often walk through the  
27 terminals or even enter the Safety offices.

28  
29 Handley: The Safety offices here, do they ever have people other  
30 than Airport Police employees in that room?

31  
32 Zouzounis: Only arrestees. I've never seen anyone not police related  
33 in this building, in those offices, since I've been here.

34  
35 Handley: Okay. So if there was an employee that was friends with  
36 somebody, it's not a common practice to take them in that  
37 room, no matter what the relationship is?

- 1      Zouzounis: I do not believe so, and I've never witnessed it. It's only  
2      been police personnel in those rooms.  
3  
4      Handley: Okay. Besides you going in there as a supervisor, would  
5      there be any concerns for him for anybody else going in  
6      that room?  
7  
8      Zouzounis: I'm not sure. It is an ACAMS secured door. So I'm not  
9      sure if non-police personnel have access. [REDACTED] and I  
10     believe our janitorial personnel, may have access, but I  
11     don't know for sure.  
12  
13     Handley: Okay. Would other – well, how many people were working  
14     that shift that day?  
15  
16     Zouzounis: Four.  
17  
18     Handley: Four.  
19  
20     Zouzounis: Two foot beats, two mobile units.  
21  
22     Handley: So the mobile units could've responded and gone in that  
23     building?  
24  
25     Zouzounis: Mobile units frequently do take breaks and socialize, come  
26     in, say hello, with other officers, yes.  
27  
28     Handley: Besides you going in there and coming across them,  
29     anybody else could have who was working that shift?  
30  
31     Zouzounis: Most like— yes, absolutely, and most likely it would be the  
32     mobile units. The other foot beat in Terminal 4 would  
33     have had his own break room. So likely would've been  
34     using that. But the mobile units do on occasion, and I  
35     would assume somewhat regularly either for various  
36     reasons, whether it's social or break reasons, for duty  
37     business reasons, enter those offices, yes.  
38

- 1 Handley: Did you check to see if he was on a lunch break or  
2 anything?  
3  
4 Zouzounis: No, I did not.  
5  
6 Handley: Would someone normally take a lunch break in the last  
7 hour of their shift?  
8  
9 Zouzounis: No. It's against policy and also, to the best of my  
10 knowledge, lunch breaks are always – usually they're  
11 pretty – the officers are quite diligent about responding to  
12 the station for that break. I've actually never – maybe  
13 once – heard someone go out Code 7 not at the Safety  
14 Base. It's quite normal only to go to the Safety Base.  
15  
16 Handley: Okay. Have you seen the person since then? The female  
17 involved?  
18  
19 Zouzounis: I have.  
20  
21 Handley: Have you talked to her about this incident whatsoever?  
22  
23 Zouzounis: No, absolutely not.  
24  
25 Handley: Has she tried to speak with you about it?  
26  
27 Zouzounis: Absolutely not.  
28  
29 Handley: Okay.  
30  
31 Nettles: During your interview with her, did she say what their  
32 relationship was, the relationship between her and  
33 Wimbish?  
34  
35 Zouzounis: It was some type of friends.  
36  
37 Nettles: Okay.  
38

1      Zouzounis:      Yeah.  
2  
3      Nettles:      And did she say how long they'd known each other?  
4  
5      Zouzounis:      One to two years.  
6  
7      Nettles:      One to two years. And then you interviewed him. Did he  
8                    say what their relationship was?  
9  
10     Zouzounis:      Friends.  
11  
12     Nettles:      Okay.  
13  
14     Zouzounis:      And I didn't – I don't believe I asked the duration of it.  
15  
16     Nettles:      Okay.  
17  
18     Zouzounis:      I didn't go into too much detail. I was mostly at that point  
19                    interested in establishing whether –  
20  
21     Nettles:      Okay.  
22  
23     Zouzounis:      -- any crime occurred.  
24  
25     Nettles:      And did he say what did occur in the room prior to you  
26                    coming in?  
27  
28     Zouzounis:      I believe he made a reference to "about to have sex."  
29                    They kissed and were about to have sex.  
30  
31     Nettles:      Okay. Is there anything that I did not ask you that you  
32                    would like to add that you think is pertinent to the  
33                    interview?  
34  
35     Zouzounis:      Just that he was very calm and professional and  
36                    cooperative during my investigation and contact with him  
37                    during this incident.  
38

- 1 Nettles: Okay. Sergeant Handley?
- 2
- 3 Zouzounis: Was your intention to conduct an Internal Affairs interview  
4 when you brought him into that room?
- 5
- 6 Zouzounis: Absolutely not. No. It was only to establish whether a  
7 rape kit or other type of investigation would be - that  
8 would be timely and time sensitive was needed.
- 9
- 10 Handley: So more of a public safety type of statement, possible  
11 criminal activity?
- 12
- 13 Zouzounis: Yes. And my interview was very brief, just about two  
14 minutes, including my introduction and my serial number,  
15 which is very, very minimal. So.
- 16
- 17 Handley: Okay.
- 18
- 19 Nettles: And since you've been assigned here, what has been your  
20 interaction, relationship, with Officer Wimbish on a  
21 professional level?
- 22
- 23 Zouzounis: Minimal, but he's a very well respected officer and he's  
24 very respected by his peers and he's done a fine job. I  
25 have had no issues or contact with him, certainly  
26 disciplinary or otherwise.
- 27
- 28 Nettles: Okay. Is there anything additional you'd like to add?
- 29
- 30 Zouzounis: No.
- 31
- 32 Nettles: Sergeant Handley?
- 33
- 34 Handley: No.
- 35
- 36 Nettles: This will conclude the interview with Sergeant Zouzounis.  
37 The time now is 2038 hours.
- 38

- 1 [END OF INTERVIEW]
- 2
- 3 LINE COUNT: 197.74

INTERVIEW LEAD-IN  
INTERNAL AFFAIRS SECTION

This is a tape recorded interview for an investigation, IA No. 16-035.

Today is 4-27-16 and the time is 2022 hours.

The location of the interview is 1923 E-Avion OR

ONTARIO CA ADM BUILDING

Present to be interviewed is Sgt Steve Zouzounis #03545  
Assigned to ontario Airport

Employee: Rank, Name, Serial No. Division  
Public: Name, Address, City, Telephone

The interview is being conducted by: Sgt Belinda Netles 96359  
Rank, Name, Serial No. Division

Rank, Name, Serial No., Division

Also present is/are:

Sgt William Hanley 03524

Employee representative (Rank, Name, Serial No., Division)

Observer, Attorney, etc.

Explain the NATURE of the investigation to the employee(s) who are under investigation (GC 3303(c)).

If the nature of the complaint involves possible criminal misconduct, or when the questioning begins to focus on criminal misconduct, READ the Miranda warning, and if it is not waived, READ the Administrative Admonition of Rights (GC 3303(h)).

If Miranda and/or administrative order were given, you and the employee sign the EMPLOYMENT ADVISEMENT FORM.

AFJ

**INTERVIEW – [REDACTED] Employee [REDACTED] #1**

- 1 Zouzounis: Okay. It's 2256 hours on April 20, 2016, and I'm here  
2 with [REDACTED]
- 3
- 4 You're a [REDACTED] employee, ma'am?
- 5 [REDACTED]
- 6 Yes.
- 7
- 8 Zouzounis: And you're currently on duty. I came into the room and I  
9 caught you with the officer and you were undressed. What  
10 my concern is you're here voluntarily with this officer?
- 11 [REDACTED]
- 12 Yes.
- 13
- 14 Zouzounis: Okay. All right. So you weren't forced to be with him.  
15 Were you having sex, or what were you doing?
- 16 [REDACTED]
- 17 No, I was (unintelligible).
- 18
- 19 Zouzounis: What were you doing with him? Having sex?
- 20 [REDACTED]
- 21 No. We were about to have sex.
- 22
- 23 Zouzounis: About to have sex. Okay. All right. And I caught you  
24 before you did?
- 25 [REDACTED]
- 26 Yes.
- 27
- 28 Zouzounis: Okay. My main concern is that you voluntarily were with  
29 him and you – whatever you were about to do with him  
30 was by choice; right?
- 31
- 32 [REDACTED]
- 33 Yes.
- 34 Zouzounis: Okay. So he didn't force you or threaten you or coerce  
35 you to be with him?
- 36
- 37 [REDACTED]
- 38 No.

1 Zouzounis: Everything you were about to do was voluntarily.  
2 [REDACTED]  
3 Yes.  
4  
5 Zouzounis: Right? Okay. You like the guy. You were just – were  
6 about to do whatever you were gonna do, and it was all  
7 voluntarily by your choice and your (unintelligible).  
8 [REDACTED]  
9 Yes.  
10  
11 Zouzounis: Right? Okay. How long you known him?  
12 [REDACTED]  
13 About maybe a year or two.  
14  
15 Zouzounis: Year or two. Okay. And you've done this before here?  
16 [REDACTED]  
17 No.  
18  
19 Zouzounis: Okay. All right.  
20 [REDACTED]  
21 So I just – I didn't think for the moment. It just  
22 happened.  
23  
24 Zouzounis: Just happened? Okay. All right. And you hadn't done it  
25 but you were gonna; right?  
26 [REDACTED]  
27 Huh?  
28  
29 Zouzounis: You hadn't done anything but you were about to.  
30 [REDACTED]  
31 No, no, no. Yeah.  
32  
33 Zouzounis: Okay. All right. But the main thing I want – the reason  
34 why I'm talking to you and I'm talking to you privately is  
35 that you – well, I wanna make sure that you were  
36 voluntarily and that there's no threats or no –  
37 [REDACTED]  
38 Yes.

1  
2 Zouzounis: -- color of authority type of issues.  
3

4 [REDACTED] Yes.  
5

6 Zouzounis: So everything you did or were about to do was voluntarily  
7 because you like the guy; is that right?  
8

9 [REDACTED] Yeah.  
10

11 Zouzounis: Okay. All right. Okay. I don't know what's gonna happen  
12 with the company. I'm – although it's not appropriate  
13 what you're doing on duty, I'm sure your company is not  
14 gonna be happy with it. I'm more concerned about what  
15 my officer was doing. So I'm not gonna go too far into  
16 this. I think it is what it is. So at this point I don't have  
17 any further questions for you at this point. Like I said, the  
18 main reason why I'm talking to you privately is so I can  
19 verify that everything you were doing was voluntarily  
20 (unintelligible). Okay?  
21

22 [END OF INTERVIEW]

23  
24 LINE COUNT: 40.22

## **INTERVIEW – ASO Marvin Wimbish #1**

- 1 Zouzounis: I'm Sergeant Zouzounis, Steve Zouzounis, with the Los  
2 Angeles World Airports, Police. It is 2310 hours on  
3 4/20/2016, Serial No. 03545. I'm here present with ASO  
4 Ontario Officer Marvin Wimbish, Jr.
- 5
- 6 State your serial number, sir,
- 7
- 8 Wimbish: 93331.
- 9
- 10 Zouzounis: I'm questioning him regarding an incident that just  
11 occurred at 2250 hours in the Terminal 2 ASO break room.
- 12
- 13 Officer Wimbish, I just want to ask you a couple questions  
14 regarding – I came in here to do my routine patrol and  
15 check with you prior to your end of shift, and I did observe  
16 Ms. [REDACTED] in the break room here with you,  
17 and she was – you were close and your gun belt was off  
18 and your – can you describe your relationship with her,  
19 and can you advise that – what your activity was.
- 20
- 21 Wimbish: Yes. We are very close friends. We came into the office.  
22 I did have my gun belt off. We kissed. We were gonna  
23 take it further, but we didn't.
- 24
- 25 Zouzounis: So I interrupted you, then?
- 26
- 27 Wimbish: Yes.
- 28
- 29 Zouzounis: Okay. And she – you were here voluntarily, she was here  
30 voluntarily, you have a fond kinship – a fond friendship  
31 relationship so that she was here voluntarily and there was  
32 no color of authority or intimidation or threats or anything  
33 else that made her be present and partaking in this activity  
34 with you. Is that correct?
- 35
- 36 Wimbish: Correct.
- 37

- 1 Zouzounis: Okay. All right. I did speak to her and she did say she  
2 was here voluntarily. And is there anything else regarding  
3 this you would like to add?  
4
- 5 Wimbish: Yeah. I'd like to say we were thinking about taking it  
6 further. We didn't do it. We – I've never done anything  
7 like this before, and I'm really sorry and I don't want her  
8 to get into any trouble.  
9
- 10 Zouzounis: Okay. And what I saw was consistent with your  
11 statements. It appears as though you hadn't done  
12 anything but were in the process. So with that, I have no  
13 further questions, and if you have nothing else to add,  
14 we'll conclude the interview at 2312 hours.  
15
- 16 [END OF INTERVIEW]  
17
- 18 LINE COUNT: 30.75

**INTERVIEW – [REDACTED] Employee [REDACTED] #2**

1 Nettles: This is a tape-recorded interview IA No. 16-035. Today's  
2 date is April 29, 2016, and the time is 0607 hours. The  
3 location of the interview is telephonic. I am located at  
4 7303 World Way West in Los Angeles in the Internal Affairs  
5 office located on the 2<sup>nd</sup> floor. Present on the phone is  
6 [REDACTED]  
7 [REDACTED] can you spell your last name for me, please.  
8 [REDACTED]  
9 [REDACTED]

10 Nettles: Okay. And where are you located at this time?  
11 [REDACTED]  
12 In [REDACTED] California.  
13 [REDACTED]  
14 Nettles: Okay. And this interview is being conducted by myself,  
15 Sergeant Belinda Nettles, of the Internal Affairs Unit for  
16 Los Angeles Airport Police, Serial No. 96359.  
17 So, [REDACTED] today this interview is about an incident which  
18 occurred on April the 20<sup>th</sup> in which you were involved,  
19 which also involved Airport Police employee Marvin  
20 Wimbish, who works out of the Ontario International  
21 Airport.  
22 So on April the 20<sup>th</sup>, an incident occurred involving yourself  
23 and Airport Safety Officer Marvin Wimbish. Can you tell  
24 me what happened?  
25 [REDACTED]  
26 Yes. Well, we were talking, Wimbish and I, and we were  
27 walking by the office, the police office, and I told him,  
28 "This is where your office is; right?"  
29 And he's, like, "Yeah."  
30 So he said, "Have you been in here before?"  
31 And I said, "No."

1                   And he's, like, "Oh, you wanna come in?"  
2  
3  
4                   And I said, "Yeah."  
5  
6                   So we just went inside, and, well, he showed me  
7                   everything in there, and we were just talking, and we just  
8                   started kissing.  
9  
10                  But I didn't think it was gonna happen, but it just  
11                  happened. That's when the sergeant at the airport walked  
12                  in and he saw us.

13  
14                  Nettles:        Okay. Keep going.  
15  
16                  [REDACTED]     And that's pretty much it.  
17  
18                  Nettles:        So when he walked in and he saw you, what did you do?  
19  
20                  [REDACTED]     I just – I was just, like – my reaction was, like – I was, like  
21                  – like, at that moment, I was – I didn't know what to – to  
22                  do. I was just – I was just standing there, you know.  
23  
24                  Nettles:        Um-hm.  
25  
26                  [REDACTED]     And I said, "Sorry." I didn't . . .  
27  
28                  Nettles:        Okay. And what did Wimbish do?  
29  
30                  [REDACTED]     He just stopped and didn't – we were just there quiet.  
31                  Like, we didn't say nothing.  
32  
33                  Nettles:        Okay. So you said that you guys were walking and you  
34                  were talking.  
35  
36                  [REDACTED]     Yes.  
37

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- 1 Nettles: So – okay. So how did that come about? Were you  
2 working?  
3  
4 [REDACTED] Yes. Well, I was actually – 'cause I clean the floors?  
5  
6 Nettles: Uh-huh.  
7  
8 [REDACTED] So some flights were coming in, and usually when they  
9 come in there's, like – I can't really do much. So just  
10 basically standing there. And he was walking out.  
11  
12 So, I mean, I've known him, like, for about a year.  
13  
14 Nettles: Okay.  
15  
16 [REDACTED] So, like, every time I see him or, like, he sees me, he just,  
17 like, says hi and . . .  
18  
19 Nettles: Okay.  
20  
21 [REDACTED] That's pretty much.  
22  
23 Nettles: So you were cleaning the floor and you saw him and he  
24 said hi.  
25  
26 [REDACTED] Yes.  
27  
28 Nettles: And so then you guys just started talking after that, and  
29 then you walked past the airport break room, the Airport  
30 Police break room.  
31  
32 [REDACTED] Yes.  
33  
34 Nettles: Okay. So you said you've known him for about a year,  
35 and what was your relationship with him for that year?  
36

1 [REDACTED] We were just – I mean, I would say just friends. Like, he  
2 would just tell me hi or, like, how was my weekend or just  
3 friends. Nothing – nothing more than that.

4 Nettles: Okay. And have you gone out with him outside of work?

5 [REDACTED] No, not at all.

6 Nettles: Okay. So you've never gone out with him outside of work.

7 [REDACTED] No.

8 Nettles: Okay. So your relationship, then, was just when you saw  
9 him at the airport while you were at work. You said hi and  
10 you guys talked.

11 [REDACTED] Yes.

12 Nettles: Okay. So you didn't have any other type of relationship  
13 with him other than that? You didn't go to lunch or  
14 anything like that?

15 [REDACTED] No, never.

16 Nettles: Okay. Okay. So what is your normal shift at your job?

17 [REDACTED] I work [REDACTED]

18 Nettles: Okay. And what's your responsibility?

19 [REDACTED] I clean the floors.

20 Nettles: Okay.

21 [REDACTED] But I sweep and scrub the floors.

22 Nettles: For what company?

23

1 [REDACTED] For [REDACTED]  
2  
3 Nettles: Okay. Okay. All right. So at the time that you saw him,  
4 you were actually working. So when you decided to go  
5 into the Airport Police break room, were you on a break?  
6  
7 [REDACTED] Well, my – not really. I mean, it was almost time for my  
8 break. I just stopped 'cause the passengers were coming  
9 down. So I couldn't really do much 'cause I usually sweep  
10 and they were already coming down. So.  
11  
12 Nettles: Okay.  
13  
14 [REDACTED] I had to stop for a little bit.  
15  
16 Nettles: Okay. So you were in which terminal?  
17  
18 [REDACTED] Terminal 2.  
19  
20 Nettles: Okay. So you were already in Terminal 2, and when he  
21 started talking to you, you guys just ended up over there  
22 at that area where the Airport Police office is?  
23  
24 [REDACTED] Yes. It's close to the restroom.  
25  
26 Nettles: Okay. Do you remember around what time you went  
27 inside the room?  
28  
29 [REDACTED] I don't remember. I know it was ten-something, but it  
30 was not the right time – like, I don't know the time. Like,  
31 (unintelligible).  
32  
33 Nettles: Okay. But ten-something.  
34  
35 [REDACTED] Yes.  
36  
37 Nettles: Okay. And do you know how long you were actually in the  
38 room before the police sergeant came in?

1 [REDACTED] Probably for, like, about ten minutes, fifteen.  
2 [REDACTED]  
3 Nettles: Ten or fifteen minutes. Okay.  
4 [REDACTED]  
5 Yes.  
6 [REDACTED]  
7 Nettles: So you said that while you were inside the room, you  
8 started kissing. So did anything else happen?  
9 [REDACTED]  
10 No, nothing else happened. Just kissing.  
11 [REDACTED]  
12 Nettles: Okay. And so has it happened before?  
13 [REDACTED]  
14 No, it hasn't happened before.  
15 [REDACTED]  
16 Nettles: Okay. Do you know if Officer Wimbish is married or  
17 single?  
18 [REDACTED]  
19 I know he's [REDACTED]  
20 [REDACTED]  
21 Nettles: Okay. You know he's [REDACTED]  
22 [REDACTED]  
23 Yes.  
24 [REDACTED]  
25 Nettles: And are you married or single?  
26 [REDACTED]  
27 I'm [REDACTED]  
28 [REDACTED]  
29 Nettles: Okay. Do you have Wimbish's phone number?  
30 [REDACTED]  
31 No, I don't.  
32 [REDACTED]  
33 Nettles: Okay. How long have you worked for your company, [REDACTED]  
34 [REDACTED]  
35 It's gonna be almost three years.  
36 [REDACTED]  
37

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- 1 Nettles: Okay. And do you have a badge that allows you to gain  
2 access to the airfield?
- 3
- 4 [REDACTED] No, I don't think so.
- 5
- 6 Nettles: Do you go on the airfield?
- 7
- 8 [REDACTED] No, I don't.
- 9
- 10 Nettles: Okay. So you don't think you have a badge. So how do  
11 you gain access to the terminals?
- 12
- 13 [REDACTED] Well, I mean, I can walk through the back, but I don't  
14 know, like, to the airfield, like, to the – like – you mean,  
15 like – 'cause, I mean, I can get through almost all the  
16 doors.
- 17
- 18 Nettles: Okay. So you can use your badge to go –
- 19
- 20 [REDACTED] Yeah.
- 21
- 22 Nettles: -- out onto, you know, the –
- 23
- 24 [REDACTED] The back, yeah. Like, the ramp, yeah, yeah.
- 25
- 26 Nettles: Right. Okay. So did you have to use your badge at all to  
27 get into the room that he took you into?
- 28
- 29 [REDACTED] No, I didn't.
- 30
- 31 Nettles: Okay.
- 32
- 33 [REDACTED] 'Cause it doesn't – I don't think it works (unintelligible).
- 34
- 35 Nettles: So you went in there. He – how did you get in? He let  
36 you in?
- 37
- 38 [REDACTED] Yes.

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- 1  
2 Nettles: Okay. Is your boss aware of anything that happened?  
3  
4 [REDACTED] No, he's not.  
5  
6 Nettles: Okay. So you said you went in the room and the sergeant  
7 came in.  
8  
9 [REDACTED] Yes.  
10  
11 Nettles: When the sergeant interviewed you, what did you tell him?  
12 Well, let's backtrack. When the sergeant initially came in  
13 the room and he saw you and he saw Wimbish –  
14  
15 [REDACTED] Yes.  
16  
17 Nettles: -- what did he do once he saw you guys?  
18  
19 [REDACTED] He –  
20  
21 Nettles: Or what did he say?  
22  
23 [REDACTED] He looked like, "Whoa." Like, "What's this?" Like, "What's  
24 going on?"  
25  
26 And then he told Wimbish to get out from there, and that's  
27 when I stayed with him and he – he was talking to me, if  
28 he forced me to do anything or what happened.  
29  
30 Nettles: And what did you say?  
31  
32 [REDACTED] That we were kissing and then nothing else happened.  
33  
34 Nettles: Okay. And were you in – were you there, you know,  
35 voluntarily? Did you go in the room on your own?  
36  
37 [REDACTED] Yes, I was there voluntary.  
38

- 1 Nettles: Okay. And why did you decide to go in the room?  
2  
3 [REDACTED] 'Cause we were just talking. So I just – I didn't think at  
4 the moment. I just went in there just, I don't know, to see  
5 the room I guess. And I didn't really think at the moment.  
6  
7 Nettles: Okay. So when the sergeant came in, were you fully  
8 clothed or not?  
9  
10 [REDACTED] I had my shirt on. My pants were a little down.  
11  
12 Nettles: Okay.  
13  
14 [REDACTED] My – yeah, just the pants were a little down.  
15  
16 Nettles: Okay. Okay. So – and then did the sergeant leave and  
17 allow you to, you know, put your pants back on?  
18  
19 [REDACTED] Yes, he did.  
20  
21 Nettles: Okay. All right. Have you spoken to Officer Wimbish since  
22 this incident happened?  
23  
24 [REDACTED] No, I haven't.  
25  
26 Nettles: Has he called you?  
27  
28 [REDACTED] No.  
29  
30 Nettles: Okay. Okay. So have you discussed this with anyone  
31 other than the sergeant that was there?  
32  
33 [REDACTED] No, I haven't.  
34  
35 Nettles: Okay. All right. Is there anything that I haven't asked you  
36 that you would like to share that you think is important to  
37 this investigation?  
38

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- 1 [REDACTED] Well, I just wanna say that I wasn't forced to do anything.  
2 So that's pretty much it. Nothing else happened. Just the  
3 kiss and that's it.
- 4
- 5 Nettles: Okay.
- 6
- 7 [REDACTED] And that's – that's pretty much it.
- 8
- 9 Nettles: Okay. And nothing like this has happened before?
- 10
- 11 [REDACTED] No, nothing.
- 12
- 13 Nettles: Okay. Okay. So did you like Officer Wimbish in that way?  
14 Did you want a relationship with him?
- 15
- 16 [REDACTED] No, I didn't. I never thought that was gonna happen.
- 17
- 18 Nettles: Okay. Okay. So I think I've asked all the questions. I  
19 don't think I have anything additional. However, if  
20 something comes up and if for some reason I have to  
21 speak to you again, will you be willing to talk to me again?
- 22
- 23 [REDACTED] Yes, I will.
- 24
- 25 Nettles: Okay. Okay. So the time now is – oh. One more thing.  
26 Your employment. Is your company located at the airport?
- 27
- 28 [REDACTED] Yes, it is.
- 29
- 30 Nettles: Okay. Which terminal is it in?
- 31
- 32 [REDACTED] Terminal [REDACTED]
- 33
- 34 Nettles: Okay. Okay.
- 35
- 36 [REDACTED] Well, that's where – yeah, that's where the manager is.
- 37
- 38 Nettles: Okay. Terminal [REDACTED] And your manager's name is [REDACTED]

1 [REDACTED] That's the supervisor.

2

3 Nettles: Okay.

4 [REDACTED] Um-hm.

5

6 Nettles: Your supervisor's name is [REDACTED] Okay.

7

8 [REDACTED] yes.

9

10 Nettles: Oh, [REDACTED] Sorry. Okay. All right. So you've worked

11 for the company for three years. Okay. I don't have

12 anything else. I'm going to conclude the interview.

13 However, if I need to speak with you again in reference to

14 this investigation, you're willing to speak to me again?

15

16 [REDACTED] Yes.

17

18 Nettles: Okay. The time now is 0623 hours, and this will conclude

19 the interview.

20

21 (PAUSE)

22

23 Nettles: Okay. The time now is 0625 hours, and I'm continuing the

24 interview with [REDACTED]

25

26 Ms. [REDACTED] as it relates to the incident which occurred and

27 we were on the phone and I asked you if you had anything

28 additional that you would like to add and you did add some

29 information, but is there anything more that you would like

30 to tell me?

31

32 [REDACTED] Yes. I regret what happened, what I did. I'm sure it's not

33 gonna happen again. And that's it.

34

35 Nettles: Okay. Okay. Thank you. The time now is 0626 hours.

36

37

38

1 (PAUSE)

2

3 Nettles: This is a continuation of the interview with [REDACTED]

4 [REDACTED] Case No. 16-035. She's on the phone.

5

6 And, [REDACTED] I have just a couple of follow-up questions

7 related to the interview we just had. And we talked about

8 the fact that when you were in the Airport Police break

9 room, you and Officer Wimbish were kissing. Is that

10 correct?

11 [REDACTED] Yes.

12

13 Nettles: Okay. So my follow-up question is did anything additional

14 happen other than the kissing?

15 [REDACTED] No, nothing else happened.

16

17 Nettles: Okay. Did you guys have sex?

18 [REDACTED] No, we didn't.

19 Nettles: And why didn't you have sex?

20 [REDACTED] Why what?

21 Nettles: Why didn't you have sex?

22 [REDACTED] 'Cause that's something I didn't want to do.

23 Nettles: Okay. So it's something you didn't want to do.

24 [REDACTED] Yes.

25 Nettles: Okay. So at what point did you realize it was something

26 you didn't want to do?

27

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- 1 [REDACTED] When we were kissing. I just – in my mind I was, like, I  
2 don't wanna (make it also happen?).
- 3
- 4 Nettles: Okay. And what did – what did Wimbish say?
- 5
- 6 [REDACTED] Well, he didn't ask me about having sex. He didn't tell me.  
7 So we just – we just kissed. That's it.
- 8
- 9 Nettles: Okay. So did you already decide that you didn't want to  
10 have sex before the sergeant came in the room?
- 11
- 12 [REDACTED] Yes.
- 13
- 14 Nettles: Okay.
- 15
- 16 [REDACTED] 'Cause that's something that wasn't not even in my mind.  
17 Like, I didn't think of having – like, going that far.
- 18
- 19 Nettles: Okay. So you said your – okay. So if you didn't anticipate  
20 that you wanted to go that far –
- 21
- 22 [REDACTED] Um-hm.
- 23
- 24 Nettles: -- you said your pants were halfway down.
- 25
- 26 [REDACTED] Yes.
- 27
- 28 Nettles: Okay. So you were in the middle, you know, of kissing,  
29 and then you decided that you didn't want to have sex.
- 30
- 31 [REDACTED] Yes.
- 32
- 33 Nettles: Okay. And what did Officer Wimbish say when – you  
34 know, did you tell him that?
- 35
- 36 [REDACTED] That I didn't want to have sex?
- 37
- 38 Nettles: Yeah.

- 1 [REDACTED]  
2 Well, he didn't ask me. So. He didn't really ask me to  
3 have sex.  
4  
5 Nettles: Oh, okay. He didn't ask you. So you guys – it just  
6 happened.  
7  
8 [REDACTED] Yes. Yes.  
9  
10 Nettles: Okay. So was he disrobed? Did he have on – what – how  
11 was he dressed?  
12  
13 [REDACTED] He had his clothes on. Like, his – the uniform?  
14  
15 Nettles: Um-hm. Okay. Okay. So my other question is you said  
16 that you guys used to talk and have conversation.  
17  
18 [REDACTED] Yes.  
19  
20 Nettles: Okay. And you talked to him for about a year.  
21  
22 [REDACTED] Yes.  
23  
24 Nettles: Okay. So what kind of conversations did you guys have?  
25 What did you talk about?  
26  
27 [REDACTED] Well, he would just tell me if, like, if I was in school or if I  
28 wanted to study for anything or if I wanted to apply, like,  
29 in LAX to get our – like, a different job over there. They  
30 have more, like, openings. Just like stuff like that.  
31  
32 Nettles: Okay. Did he ever talk about his family?  
33  
34 [REDACTED] No, not really. I mean, he told me [REDACTED]  
35 [REDACTED] but that's pretty much it.  
36  
37 Nettles: Okay. So just to clarify, you were in the room with Officer  
38 Wimbish because you wanted to be.

1  
2 [REDACTED] Yes.  
3  
4 Nettles: Is that true? Okay. And you were kissing him because  
5 you wanted to kiss him.  
6  
7 [REDACTED] Yes.  
8  
9 Nettles: Okay. And it went the way that it went, but you didn't  
10 intend for it to go that far.  
11  
12 [REDACTED] Yes.  
13  
14 Nettles: Okay. So you guys didn't have any discussion about it or  
15 anything?  
16  
17 [REDACTED] No. It just happened.  
18  
19 Nettles: Okay. All right. I believe that that's all my questions. The  
20 time now is 0711 hours, and this concludes the interview.  
21  
22 [END OF INTERVIEW]  
23  
24 LINE COUNT: 225.18

## **INTERVIEW – ASO Marvin Wimbish #2**

1 Nettles: This is a tape-recorded interview for Internal Affairs, Case  
2 No. CF 16-035. Today's date is May 12, 2016, and the  
3 time is 1114 hours. The location of the interview is 7303  
4 World Way West, Internal Affairs office on the 2<sup>nd</sup> floor in  
5 the interview room.

6

7 The interview is being conducted by myself, Sergeant  
8 Belinda Nettles, an investigator with Internal Affairs, and  
9 my serial number is 96359. The second investigator is  
10 Sergeant William Handley, also of Internal Affairs.

11

12 And, Sergeant Handley, your serial number?

13

14 Handley: 03524.

15

16 Nettles: Present to be interviewed is Officer Marvin Wimbish, Jr.  
17 Officer Wimbish, would you spell your last name for the  
18 record, please.

19

20 Wimbish: W-i-m-b-i-s-h.

21

22 Nettles: And your serial number?

23

24 Wimbish: 93331.

25

26 Nettles: Officer Wimbish is accompanied by Matthew Kane,  
27 attorney at law for Mastagni? Can you pronounce that,  
28 please?

29

30 Kane: Yes. It's Mastagni Holstedt, APC.

31

32 Nettles: Okay. Thank you. And, sir, would you spell your last  
33 name, please.

34

35 Kane: No problem. It's K-a-n, as in "Nancy," -e.

36

37 Nettles: Okay. Thank you. This Internal Affairs investigation is  
38 currently being conducted regarding an allegation that you

were observed engaged in conduct in conflict with your police officer duties while on duty on April the 20<sup>th</sup>, 2016.

The complete interview may be recorded. In the event the interview is recorded and information from that interview is used in further proceedings or is the basis to support allegations against you, you will be given a copy of the recorded interview. You have the right to bring your own recording device and record any and all aspects of the interview. You will be entitled to all reports and/or complaints except those which are deemed by the Division to be confidential. No notes or reports which are deemed confidential will be entered into your personnel file unless they are used to support allegations against you, and in this event, you will be given those copies.

Officer Wimbish, during this interview is not currently anticipated that you will be asked questions about circumstances which may be criminal in nature. Therefore, I do not intend to advise you of your Miranda rights at this time unless you request me to do so. Do you request me to do so? Yes or no.

Kane: And I'll just help him here. We're not gonna waive Miranda. So.

Okay.

Kane: As long as that's clear on the record, we should be okay.

Okay. Officer Marvin Wimbish, Jr., during this interview is currently anticipated – no? Okay. I was gonna read the Miranda rights, but –

Handley: You're not gonna waive them.

-- we don't need to do that.

1 Handley: So we're not gonna -  
2  
3 Kane: Exactly.  
4  
5 Handley: Yeah.  
6  
7 Nettles: Okay. Officer Wimbish, while you have the right to remain  
8 silent with regard to any criminal investigation, you do not  
9 have the right to refuse to answer my administrative  
10 questions. As a representative of the Chief of Airport  
11 Police Division, I am ordering you to answer any and all  
12 questions related to this investigation. If you refuse to  
13 answer any questions, your silence may be deemed as  
14 insubordination and may result in administrative discipline.  
15 I am ordering you to answer and all questions related to  
16 this investigation truthfully. Making any false or  
17 misleading statements is misconduct and may result in  
18 administrative discipline.  
19  
20 Read the sentences below aloud, then sign and date to  
21 acknowledge you understand the Administrative Orders  
22 that were read to you.  
23  
24 Kane: And as we discussed (unintelligible) write in under threat  
25 of discipline here where it says -  
26  
27 Nettles: Okay.  
28  
29 Kane: -- ""I agree to answer all questions related to this  
30 investigation." I'll just add in at the end there "under  
31 threat of discipline," -  
32  
33 Nettles: Okay.  
34  
35 Kane: -- and then I'll advise him to sign it.  
36  
37 Nettles: Okay.  
38

1      Kane:                  Thank you.  
2  
3      Wimbish:                So I need to read this statement?  
4  
5      Nettles:                No. I just read it.  
6  
7      Wimbish:                Okay. (Unintelligible).  
8  
9      Nettles:                You just need to read here saying that you understand  
10     what I read and then acknowledge it by signing and dating  
11     it.  
12  
13     Wimbish:                "I understand my Administrative Orders as read to me."  
14  
15     Kane:                   And here where it says, ". . . to this investigation," after  
16     that just write "under threat of discipline." Just to make  
17     sure the Lybarger Admonition is clear, and sign and date.  
18  
19     Wimbish:                "I agree to answer all questions related to this  
20     investigation under threat of discipline."  
21  
22     Nettles:                Thank you.  
23  
24     Wimbish:                You're welcome.  
25  
26     Nettles:                Okay. So today we're here to talk about an incident that  
27     occurred on April the 20<sup>th</sup>, 2016. Were you on duty that  
28     day?  
29  
30     Kane:                   Actually, before – I'm sorry. I wanted to put those  
31     objections on the record just before we get started.  
32     (Unintelligible) there was a POBOR violation, we believe, in  
33     this case, that there was an improper and illegal  
34     interrogation that took place on the day of the incident.  
35  
36     I don't recall offhand the name of the person who  
37     conducted it, but I know you provided us with the tape and

1                   the interview, which is further evidence of that  
2                   interrogation, of course.

3  
4                   And under, you know, some recent decisional law on that,  
5                   we'd also be invoking the fruit of the poisonous tree  
6                   doctrine, which is that any information that was solicited or  
7                   obtained through that improper investigation would also  
8                   be, you know, foreclosed in a later proceeding because  
9                   that's the poisonous tree doctrine.

10  
11                  So I'm just putting that on the record to preserve it, but of  
12                  course at this time I'm not gonna advised my client not to  
13                  answer your questions as he does understand that it's  
14                  being compelled under Lybarger as an administrative  
15                  investigation under threat of discipline up to and including  
16                  termination for insubordination.

17  
18                  Thank you for letting me get that out on the record.

19  
20                  Handley:         Let me ask you one question -

21  
22                  Kane:             Sure.

23  
24                  Handley:         -- before we got into the regular investigation. On that  
25                  tape that we provided you earlier, it's Sergeant Zouzounis  
26                  is the one who conducted it.

27  
28                  Kane:             Um-hm.

29  
30                  Handley:         And at any time did he ask you if you wanted a  
31                  representative there prior to him talking to you? And  
32                  that's the thing we're gonna talk about today.

33  
34                  Wimbish:         I believe he did.

35  
36                  Handley:         Okay. And besides that, your objection's noted and, you  
37                  know, we'd like to proceed with the interview and then we  
38                  can, you know, go on afterwards.

1  
2 Kane:           Absolutely.  
3  
4 Handley:        Okay.  
5  
6 Kane:           I just wanted to make sure it's on the record.  
7  
8 Nettles:          Okay. So on April the 20<sup>th</sup>, 2016, were you on duty that  
9 day?  
10  
11 Wimbish:        Yes.  
12  
13 Nettles:          Okay. And what was your assignment?  
14  
15 Wimbish:        Foot Beat at Terminal 2.  
16  
17 Nettles:          Okay. And what time does your shift start?  
18  
19 Wimbish:        At 1600 hours.  
20  
21 Nettles:          Okay. And it goes until what time?  
22  
23 Wimbish:        For the police side, 1600 till 00 – 00 hours.  
24  
25 Nettles:          Okay. So walk me through your day. When you reported  
26 to work and how your day went on.  
27  
28 Wimbish:        We report to work at 8:00 in the morning 'cause we work  
29 48-hour shifts. So that would've been 0800 at the Fire  
30 Station. During that time, for the first eight hours, I was  
31 on fire duty, and which at 1600 hours, or just before 1600  
32 hours, I switched uniforms and went out on police duty on  
33 foot patrol in a terminal.  
34  
35 Nettles:          So you were in full police uniform.  
36  
37 Wimbish:        Yes.  
38

1 Nettles: Okay.

2

3 Wimbish: During the course of the day, I walk through the terminal,  
4 I talk to different people in the terminal. I walk upstairs,  
5 downstairs, through the back of the terminal area, loading  
6 docks, and I also, you know, make sure traffic is flowing.

7

8 Nettles: Okay. So any activity throughout the day?

9

10 Wimbish: That particular day, I don't remember offhand, but  
11 normally around 10:00 or 11:00 o'clock at night, maybe  
12 sometimes later, we get either one or three flights in from  
13 Mexico City, and that's when that terminal gets really  
14 busy.

15

16 Nettles: Okay. So what happened once you were in the terminal  
17 around the time that you mentioned?

18

19 Wimbish: I talked – like I said, I talked to different airline tenants,  
20 different people that come through. I did talk to [REDACTED]  
21 [REDACTED] We – normal conversation about different things  
22 that go on during the day about the job.

23

24 At that time – and I'm not sure exactly the time – but we  
25 had went back towards the office, and we went into the  
26 office. She asked me some questions. I showed her in a  
27 mirror why she – because she had mentioned to me earlier  
28 that she – a bunch of firefighters were looking at her in a  
29 grocery store and kept walking up and down the aisle.

30

31 So I did show her in the mirror, "This is why, 'cause you're  
32 a attractive woman."

33

34 At that time, I was getting ready to escort her out, and I  
35 took my gun belt off, which I normally do in there before I  
36 sit down and do my DFAR, and at that time she leaned up  
37 and we ended up kissing.

38

1                   As we were kissing, Sergeant Zouzounis came in, and I  
2 told him – I said something to the fact that – what was it  
3 that I said? Compromising position. And he walked out,  
4 and I made sure that she was okay and everything, and  
5 then had him come back in the office.

6  
7 Nettles:       Okay. When he came back into the office, what – when he  
8 left out – you said he left out of the office?

9  
10 Wimbish:      Yes, he went outside the door and waited,

11  
12 Nettles:       Okay. Why did he go outside the door?

13  
14 Wimbish:      Because I said compromising position, and I wanted to  
15 make sure that everybody – or that she was – had her  
16 shirt tucked in and everything else, and I didn't want – if  
17 she was showing anything that – him to see anything and  
18 embarrass her any further than what we were – what had  
19 already been embarrassed.

20  
21 Nettles:       Okay. What was the compromising position?

22  
23 Wimbish:      Us kissing and she had her pants undone.

24  
25 Nettles:       Okay. Her pants were undone. And how did her pants get  
26 undone?

27  
28 Wimbish:      She had undid them. She had unbuttoned them.

29  
30 Nettles:       Okay. Was she exposed in any way?

31  
32 Wimbish:      Just partially, just her pants down and around her hips and  
33 that was it.

34  
35 Nettles:       What was exposed?

1 Wimbish: Just her – her body, just her flesh, just her hips and –  
2 yeah, just her hips, I guess, 'cause they were just down  
3 around her hips. So.

4

5 Nettles: Okay. He left the room when you said compromising  
6 position.

7

8 Wimbish: Yes.

9

10 Nettles: How long was he out of the room?

11

12 Wimbish: Maybe a minute –

13

14 Nettles: Okay.

15

16 Wimbish: -- if that long.

17

18 Nettles: Okay. Then he came back in the room?

19

20 Wimbish: Yes. I told him that it was fine to come back in.

21

22 Nettles: Okay. And what happened once he came back in the  
23 room?

24

25 Wimbish: He asked me to stop out the room. He interviewed her,  
26 and then when he was done, he asked me to step into the  
27 room.

28

29 Nettles: Do you know how long he was in the room interviewing  
30 her?

31

32 Wimbish: No. I didn't pay attention to that.

33

34 Nettles: Okay. So then he asked you to come back into the room?

35

36 Wimbish: Yes.

37

1 Nettles: And what happened when he came back into – when you  
2 went back in the room?  
3  
4 Wimbish: He interviewed me.  
5  
6 Nettles: Okay. Tell me about that conversation –  
7  
8 Wimbish: He –  
9  
10 Nettles: -- prior to the interview. So when he came –  
11  
12 Wimbish: Prior to?  
13  
14 Nettles: -- back in the room, what did he say to you?  
15  
16 Wimbish: He said, "This is not good. I have to – I have to do what I  
17 need to do." He said, "I need – I have to interview you."  
18  
19 Nettles: Okay. And then what did you say?  
20  
21 Wimbish: I said, "Okay."  
22  
23 Nettles: Okay. And then what else did he say?  
24  
25 Wimbish: I believe he just went into the interview process. I don't  
26 remember if he asked me if I needed a representative or  
27 not.  
28  
29 Nettles: You don't remember if he asked you?  
30  
31 Wimbish: No, I do not.  
32  
33 Nettles: Okay. So he said, "I need to interview you."  
34  
35 Wimbish: Yes.  
36  
37 Nettles: And your response was . . .?  
38

1 Wimbish: "Okay."

2

3 Nettles: Okay. So what happened after that?

4

5 Wimbish: He asked me what was going on, and I told him.

6

7 Nettles: What did you tell him?

8

9 Wimbish: I told him that we were kissing and – what'd I – said we  
10 were kissing and that I'm sorry for that. It shouldn't've  
11 happened. He did ask me if this – "If I would've come in –  
12 if I wouldn't've come in, do you think it would've gone any  
13 further?"

14

15 I said, "Yes," but as I only meant as far as more kissing,  
16 and then that was it.

17

18 And he said, "Okay. Finish your shift, and I'll see you at  
19 the end of shift."

20

21 Nettles: Okay. So – and then what happened after that?

22

23 Wimbish: I finished my shift. I went back out, finished my patrol in  
24 the terminal. And then went back to the Fire Station,  
25 finished my DFAR, turned in my DFAR. And then I went  
26 upstairs, went to bed, and they called me in the next  
27 morning to say I had to come down here for IA  
28 investigation at – I don't remember what the time was.

29

30 Nettles: Okay. So I'm – I have some –

31

32 Wimbish: And they – before I came down here, before they told me  
33 to come down here, they had to take my gun and badges  
34 and turn in my equipment.

35

36 Nettles: Okay. So I'm gonna ask you some follow-up questions  
37 about everything you just told me. Okay?

38

1 Wimbish: Okay.  
2  
3 Nettles: So we're gonna go back.  
4  
5 Wimbish: Okay.  
6  
7 Nettles: Okay. So you said that you were in Terminal 2 and at  
8 some point you saw [REDACTED]  
9  
10 Wimbish: Yes.  
11  
12 Nettles: Okay. When you saw [REDACTED] tell me about what  
13 happened when you saw her. What was the conversation?  
14  
15 Wimbish: Part of the conversation was in general how she was doing,  
16 how her car was running, 'cause I know she bought a  
17 newer car. I told her that she could get a better job with  
18 the city of LA because they pay more and she'd have  
19 better benefits and everything else.  
20  
21 She did tell me about the firefighters that she was – saw  
22 when she was in a grocery store and how they kept  
23 walking past her.  
24  
25 At some point she grimaced, and I asked her if she was  
26 okay and she said yeah. She said, "I just have cramps."  
27  
28 I said, "Okay."  
29  
30 And that was pretty much the conversation.  
31  
32 Nettles: Okay. So at what point did you end up in the Airport  
33 Police break room? How did that come about?  
34  
35 Wimbish: I was walking back towards the break room and she went  
36 that way also 'cause I guess she was going outside. And  
37 as we got by the office door, she said she had – "That's  
38 the office?"

1 I think I said, "Yes."

2  
3 And she had never been in there. So we went in the  
4 office.

5 Nettles: Okay. So did she ask to go in there? When she asked –  
6 she asked you, "Is that office?"

7 Wimbish: She said, "I've never seen it."

8  
9 And I said, "Yes. Well, come in," and I showed her the  
10 office. That's all.

11 Nettles: Okay. So at that point you went into the office.

12 Wimbish: Yes.

13 Nettles: So how did you get in? You used –

14 Wimbish: You have to use your badge, and only airport officers – I  
15 believe only airport officers have access to it.

16 Nettles: Okay. So you swiped your badge. You went inside the  
17 office.

18 Wimbish: Yes.

19 Nettles: Okay. So once you got inside the office, what happened  
20 after that?

21 Wimbish: She just said, "Oh. It's a big office."

22  
23 And then I said, "Yes." And then I said, "Let me show you  
24 why that the firefighters kept walking past you."

25  
26 And I showed her in the mirror.

27  
28

1 Nettles: And the mirror was located where?  
2  
3 Wimbish: In the restroom in the office.  
4  
5 Nettles: Okay. So you went into the restroom and she looked in  
6 the mirror and you said, "This is why . . ."  
7  
8 Wimbish: Yes.  
9  
10 Nettles: And then what happened after that?  
11  
12 Wimbish: We walked out of the restroom into the office, and as I –  
13 before I started walking her out, I took my belt off and put  
14 it on the other desk, which I do commonly, which I  
15 shouldn't.  
16  
17 Nettles: Okay. Why did you take the belt off?  
18  
19 Wimbish: It just relieves pressure off the back. So sometimes you –  
20 from walking around with it all day, your back starts to  
21 ache. So I just take it off and set it on a desk, and then I  
22 sit down and do my report, my DFAR.  
23  
24 Nettles: Okay. And so once you did that, what happened next?  
25  
26 Wimbish: She turned towards me and leaned in and kissed me, and  
27 we started kissing.  
28  
29 Nettles: She turned towards you –  
30  
31 Wimbish: Yes.  
32  
33 Nettles: -- and you were where?  
34  
35 Wimbish: Right behind her.  
36  
37 Nettles: Were you in front of the desk, behind the desk, on the side  
38 of the desk, near the restroom? Where was that?

1  
2 Wimbish: I was near the other desk. There's two desks in the office.  
3  
4 Nettles: Okay.  
5  
6 Wimbish: So my belt was on – I'm trying to picture the terminal.  
7  
8 Nettles: Well, when you walk in the room –  
9  
10 Wimbish: There's two desks to the left.  
11  
12 Nettles: Okay.  
13  
14 Wimbish: There's the first and then a second one. My belt was on  
15 the second one, and we had walked a little further. So we  
16 were near the first desk.  
17  
18 Nettles: Okay. And so you were standing there?  
19  
20 Wimbish: Yes.  
21  
22 Nettles: Okay. And she was standing . . .?  
23  
24 Wimbish: Near me.  
25  
26 Nettles: Okay.  
27  
28 Wimbish: And she turned, and that's when she kissed me.  
29  
30 Nettles: So she turned and she kissed you.  
31  
32 Wimbish: Yes.  
33  
34 Nettles: Okay. Then what happened?  
35  
36 Wimbish: Somewhere while we were kissing, she undid her pants a  
37 bit and Sergeant Zouzounis walked in.  
38

1 Nettles: She undid her pants.  
2  
3 Wimbish: Yes  
4  
5 Nettles: And she's the one who moved her pants down –  
6  
7 Wimbish: Yes.  
8  
9 Nettles: -- to wherever you say they were.  
10  
11 Wimbish: Yes.  
12  
13 Nettles: And she was exposed.  
14  
15 Wimbish: Partially.  
16  
17 Nettles: Partially exposed.  
18  
19 Wimbish: Yeah. Her underwear was still on, and her pants were  
20 down around her hips, and that was – or just below her  
21 hips. So. Lower hips.  
22  
23 Nettles: Okay.  
24  
25 Wimbish: Yeah.  
26  
27 Nettles: So were you dressed?  
28  
29 Wimbish: Yes.  
30  
31 Nettles: Were you ever undressed?  
32  
33 Wimbish: No.  
34  
35 Nettles: Okay. So you started kissing, and once you started  
36 kissing, what happened after that? How long were you –  
37 how long were you in the room showing her around?  
38

- 1 Wimbish: Five to ten minutes. Not long.
- 2
- 3 Nettles: Okay. And how long after you entered the room did you  
4 start kissing?
- 5
- 6 Wimbish: I would say maybe – maybe ten minutes at the most.
- 7
- 8 Nettles: Okay. And so you were kissing and then you – and then  
9 what happened after that?
- 10
- 11 Wimbish: Sergeant Zouzounis walked in.
- 12
- 13 Nettles: Okay. Once he walked in, what happened?
- 14
- 15 Wimbish: I told him compromising position. He stepped out the  
16 room, back out the door. I made sure that she was  
17 clothed, made sure she had her pants, you know,  
18 completely done. And then I asked him to come back in.
- 19
- 20 Nettles: Okay. Did you have any discussion with her while the  
21 sergeant was outside of the room?
- 22
- 23 Wimbish: No.
- 24
- 25 Nettles: Okay. Did you talk about what was gonna happen prior to  
26 it happening? The kissing?
- 27
- 28 Wimbish: No.
- 29
- 30 Nettles: Okay. Did you talk about having sex?
- 31
- 32 Wimbish: No.
- 33
- 34 Nettles: Did she ask you to have sex?
- 35
- 36 Wimbish: No.
- 37
- 38 Nettles: Did you ask her to have sex?

1  
2 Wimbish: No.  
3  
4 Nettles: Okay. So once Sergeant Zouzounis came back in the  
5 room, he spoke to her first?  
6  
7 Wimbish: Yes.  
8  
9 Nettles: And he asked you to leave.  
10  
11 Wimbish: Yes.  
12  
13 Nettles: Okay. Were you outside the room when they were  
14 talking?  
15  
16 Wimbish: Yes.  
17  
18 Nettles: Did you hear their conversation?  
19  
20 Wimbish: No, 'cause I had walked towards the other – there's two  
21 doors – actually, three doors – in that area. So you have  
22 to come from one door from the public area, and then you  
23 have to walk over to the door, the police officers' – go in  
24 that door, and I was over towards the public door.  
25  
26 Nettles: Okay. So once he finished speaking to her, you went back  
27 in and she left. Did you speak to her before she left?  
28  
29 Wimbish: No.  
30  
31 Nettles: Okay. So you were in there. You were speaking to  
32 Sergeant Zouzounis. And how long was – you said he  
33 asked you if you would talk to him, and your response was  
34 . . .?  
35  
36 Wimbish: Yes.  
37  
38 Nettles: Okay. Did he ask you if you wanted a representative?

1  
2 Kane: Just to clarify, I thought you asked that question already  
3 and he said, "I don't remember." Is that what you talked  
4 about?  
5  
6 Nettles: Okay.  
7  
8 Kane: I just don't want it to, you know.  
9  
10 Nettles: Okay. At what point did – was the interview recorded?  
11  
12 Wimbish: Yes.  
13  
14 Nettles: Did you notice it was being recorded?  
15  
16 Wimbish: Yes.  
17  
18 Nettles: Okay. How – do you – I don't know if I asked you this or  
19 not, but how long was the interview with Sergeant  
20 Zouzounis, if you remember?  
21  
22 Wimbish: Not very long.  
23  
24 Nettles: Not very long.  
25  
26 Wimbish: I couldn't tell you how many minutes or anything, but it  
27 wasn't long.  
28  
29 Nettles: Okay. Okay. So you said once the interview concluded,  
30 you went back to –  
31  
32 Wimbish: My police duties.  
33  
34 Nettles: And then you said you went back to the Safety Base?  
35  
36 Wimbish: Yes, at whatever time I was relieved by the next officer,  
37 which was anywhere between 2340 and midnight.  
38

1 Nettles: Okay.  
2  
3 Wimbish: And then I was relieved. So now it's his turn to walk the  
4 terminal, and I went back to the Fire Station –  
5  
6 Nettles: Okay.  
7  
8 Wimbish: -- and continued my fire duties and filled out my DFAR  
9 while I was there and turned it in.  
10  
11 Nettles: Okay. So I have a question about your DFAR, and I have  
12 it here. So as it relates to the DFAR around the time – and  
13 this is your DFAR here.  
14  
15 Kane: (Unintelligible).  
16  
17 Nettles: Okay.  
18  
19 Kane: Okay.  
20  
21 Handley: He wrote it.  
22  
23 Kane: Right. Sorry. It's for me. My apologies.  
24  
25 Nettles: Okay. So this is your DFAR. Is this – confirm it's your  
26 DFAR.  
27  
28 Wimbish: Yes.  
29  
30 Nettles: Okay. So looking at the DFAR around the time that you  
31 talked about being in Terminal 2, and it's around the time  
32 that you mention –  
33  
34 Wimbish: Yes.  
35  
36 Nettles: And here in this area it does – there is documentation  
37 there, but there is nothing there that shows any real  
38 activity in Terminal 2. It just said, "NUA," which is –

1  
2 Wimbish: No unusual activity.  
3  
4 Nettles: Right. So is there a reason why your communication with  
5 the sergeant regarding this incident is not in some way  
6 documented on your DFAR?  
7  
8 Wimbish: Because I didn't even think about putting it on there.  
9  
10 Nettles: Okay.  
11  
12 Kane: No, that's okay. I was just gonna say if it is outside of the  
13 scope of the notice of the interview about whether he was  
14 doing something that was reported or not, I would put the  
15 objection on the record. But I kind of see what you're  
16 asking about, and he already answered the question. So  
17 it's okay.  
18  
19 Nettles: Okay. Thank you. Sergeant Handley?  
20  
21 Handley: On April 20<sup>th</sup>, you said you started at 0800 and you work a  
22 24-hour shift.  
23  
24 Wimbish: Yes.  
25  
26 Handley: Or on a cycle, and then – was the 20<sup>th</sup> an overtime shift or  
27 a regular shift for you?  
28  
29 Wimbish: It was an overtime shift.  
30  
31 Handley: Overtime shift. And then you would've been there for two  
32 more days; right?  
33  
34 Wimbish: Yes.  
35  
36 Handley: Okay. Is it normal for people to go into the ASO office  
37 there with you?  
38

1 Wimbish: Yes.  
2  
3 Handley: Okay. There's no policy forbidding it or anything?  
4  
5 Wimbish: No.  
6  
7 Handley: [REDACTED] is that the lady's name?  
8  
9 Wimbish: Yes.  
10  
11 Handley: You said you were asking her about her car and stuff.  
12 You've had a personal relationship with her?  
13  
14 Wimbish: Yes. I have a personal relationship with a lotta people in  
15 the terminals.  
16  
17 Handley: That's fine. I mean, I just wanted – it was the first day  
18 you'd ever met her or anything like that.  
19  
20 Wimbish: No.  
21  
22 Handley: Had your relationship ever led past that point before –  
23  
24 Wimbish: No.  
25  
26 Handley: -- where – okay.  
27  
28 Wimbish: No.  
29  
30 Kane: Sorry. Just to clarify. "Past that point ,," do you mean –  
31  
32 Handley: Past the point of, like, normal conversation –  
33  
34 Kane: I see.  
35  
36 Handley: -- or they would ever kiss or anything.  
37  
38 Kane: Right.

1 Handley: When you entered the room, was your intention to kiss her  
2 or have any additional activities with her –  
3  
4 Wimbish: No.  
5  
6 Handley: -- in your room?  
7  
8 Wimbish: No, not at all.  
9  
10 Handley: And you said you take your gun belt off on a regular basis?  
11  
12 Wimbish: Yes. Like I said, no one else can come into that room  
13 unless they're badged, and so it's –  
14  
15 Handley: So there's no officer safety issues in that room?  
16  
17 Wimbish: Correct.  
18  
19 Handley: And I assume you didn't feel threatened with her –  
20  
21 Wimbish: No.  
22  
23 Handley: -- by putting it on the table?  
24  
25 Wimbish: No.  
26  
27 Handley: Is there anybody else working the terminal when you were  
28 on duty?  
29  
30 Wimbish: As far as officers?  
31  
32 Handley: Yeah.  
33  
34 Wimbish: No. It's one Foot Beat per terminal.  
35  
36  
37 Handley: How many people are working on the police side of the  
38 house?

1  
2 Wimbish: At any given time?  
3  
4 Handley: At that time. Yeah.  
5  
6 Wimbish: For swing watch it's usually four.  
7  
8 Handley: Can you describe their four duties?  
9  
10 Wimbish: Foot patrol in Terminal 2, foot patrol in terminal 4, and the  
11 other two units are mobile units.  
12  
13 Handley: And they could be anywhere, then?  
14  
15 Wimbish: Yes.  
16  
17 Handley: Is there normally, like, one assigned to the airfield, one  
18 assigned outside? Or –  
19  
20 Wimbish: No.  
21  
22 Handley: How does it work out there?  
23  
24 Wimbish: No, because the – we only have the two mobile units, and  
25 you just cover everything.  
26  
27 Handley: Okay. Do they ever respond to calls in the terminals also?  
28  
29 Wimbish: Yes, they almost always respond as a backup unit.  
30  
31 Handley: Do you know how long you've known Ms. [REDACTED]  
32  
33 Wimbish: I would say approximately a year.  
34  
35 Handley: And what is her actual job function at the airport? Do you  
36 know?  
37  
38 Wimbish: She is a janitor.

1  
2 Handley: Okay. Do you know how long you were kissing prior to  
3 Sergeant Zouzounis walking in?  
4  
5 Wimbish: No, I don't.  
6  
7 Handley: Okay.  
8  
9 Nettles: So you said you've known [REDACTED] for about a year.  
10  
11 Wimbish: Yes.  
12  
13 Nettles: Okay. Do you have a relationship outside of the airport?  
14  
15 Wimbish: No.  
16  
17 Nettles: Do you talk to her other than at the airport?  
18  
19 Wimbish: No.  
20  
21 Nettles: Do you have her phone number?  
22  
23 Wimbish: Yes.  
24  
25 Nettles: Does she have your phone number?  
26  
27 Wimbish: Yes.  
28  
29 Nettles: Do you go to lunch together?  
30  
31 Wimbish: No.  
32  
33 Nettles: Okay. So you would – how do you describe your  
34 relationship?  
35  
36 Wimbish: Friends, but at work.  
37  
38 Nettles: Okay. Have you ever hung out outside of work?

1  
2 Kane: Can I put in an objection there? I think that's relevant to  
3 the notice from what they're doing in their personal time  
4 might be a invasion of privacy to ask the question under  
5 the Constitution. So I'm gonna request that you withdraw  
6 the question, if you don't mind.

7  
8 Nettles: Whether or not they have a relationship outside of work  
9 you don't believe is necessary for this interview? Is that  
10 what you're saying?

11  
12 Kane: That's not exactly what I'm saying. Just to be clear, I  
13 guess I'm objecting in the sense that it's asking him  
14 questions about his personal life, to the extent that it's not  
15 covered by the scope of the notice with the allegations  
16 about conduct unbecoming.

17  
18 Nettles: Okay. We can move on past that question.

19  
20 Kane: Okay.

21  
22 Nettles: Okay. So I just wanna go back briefly to being inside the  
23 Airport Police break room. You said that  
24 Sergeant Zouzounis came inside the room -

25  
26 Wimbish: Yes.

27  
28 Nettles: -- and prior to him coming in the room, you - the two of  
29 you were kissing.

30  
31 Wimbish: Yes.

32  
33 Nettles: Had he not come into the room, would it have gone - or  
34 what do you think would have happened?

35  
36 Kane: I'm gonna - sorry. Again, I'm just putting objections to  
37 make sure. I believe that would ask him to speculate

1                   about what would have happened if and then. So I kindly  
2                   request that you withdraw the question.

3  
4   Nettles:       Okay. You were kissing prior to Sergeant Zouzounis  
5                   coming into the room.

6  
7   Wimbish:      Yes.

8  
9   Nettles:       Why did you stop kissing?

10  
11   Wimbish:     At that time, because he actually came into the room.

12  
13   Nettles:       Okay. Okay. Handley, do you have anything?

14  
15   Handley:      No.

16  
17   Nettles:       Okay. I don't think I have anything else. Do you have  
18                   anything?

19  
20   Kane:          No, I don't.

21  
22   Nettles:       Officer Wimbish, do you have anything to add that maybe  
23                   I didn't ask you that you think is pertinent to the  
24                   investigation or to this interview?

25  
26   Handley:      Or if you want to make a statement, you can add it in now  
27                   to cover (unintelligible).

28  
29   Wimbish:       No, not – just that I've started [REDACTED]

30  
31  
32   Nettles:       Okay. Would you like to change or clarify any of your  
33                   responses to any of the questions I have asked thus far?

34  
35   Wimbish:      No.

- 1 Nettles: Is there anything that I have not asked you that you  
2 believe is important for me to know concerning this  
3 investigation?  
4
- 5 Wimbish: No.  
6
- 7 Nettles: Have you answered all of the questions truthfully and  
8 completely?  
9
- 10 Wimbish: Yes.  
11
- 12 Nettles: Okay. This will conclude the interview. The time now is  
13 1147 hours.  
14
- 15 [END OF INTERVIEW]  
16
- 17 LINE COUNT: 422.45

## **INTERVIEW – ASO Wimbish Jr., Admin. Assignment**

1 Handley: This is a digitally recorded Admin Order. Today's date is  
2 April 21, 2016. My name is Sergeant William Handley of  
3 the Internal Affairs Unit.

4

5 This memo is directed towards Airport – not police officer.  
6 It's Safety Officer; right?

7

8 Wimbish: Yes.

9

10 Handley: -- Safety Officer Marvin Wimbish, Serial No. 93331.

11

12 By order of the Chief of the Airport Police. Subject:  
13 Administrative Assignment. Effective immediately, you are  
14 being placed on a paid Administrative Assignment, with  
15 pay, at your residence starting on April 21, 2016. You'll  
16 call in at 8:00 A.M. Since you're already here today, we'll  
17 going to just have you call out today at 1700 hours.

18

19 Wimbish: Okay.

20

21 Handley: And those will be your normal hours, from 0800 to 1700  
22 hours.

23

24 For the duration of your Administrative Assignment,  
25 starting tomorrow, you'll start in at 0800 to 1700 hours,  
26 and you must be available during these designated hours.

27

28 You must call in daily, from 0800, and call out at 1700,  
29 and speak directly with an Internal Affairs investigator or  
30 leave a message on the phone line if we don't answer.  
31 The phone number is 424-646-5454. In the event of his  
32 or her absence, you must leave a voice mail message on  
33 the Administrative Assignment call-in line.

34

35 You are required to (unintelligible) to make direct contact  
36 as outlined. If you are going to leave your residence  
37 during these hours, you must follow the same notification

1 procedures and you must call into the Administrative  
2 Assignment call-in line to advise the duration and reason.  
3

4 In the event there are problems with your availability or  
5 other work-related issues, you must contact an Internal  
6 Affairs supervisor at 424-646-5454. It's the same call-in  
7 line. I'll also give you an additional number to get a hold  
8 of me.

9  
10 Be advised that while on Administrative Assignment, this is  
11 your duty assignment for the day. Failure to call in  
12 punctually will result in carrying your time as AW. This  
13 means your time will be carried as absent without leave,  
14 without pay.

15  
16 During the period of your Administrative Assignment, you  
17 are to relinquish your Department-issued identification  
18 card, Airport Identification card, Sam Browne, any other  
19 property that your Department (inaudible), to your  
20 supervisor to be given to Internal Affairs. You are not to  
21 enter the Department property during this assignment  
22 without prior approval from the officer in charge of the  
23 Internal Affairs Unit, Lieutenant Imer Chavez. Additionally,  
24 one of us can give you permission in case he's not around.  
25 Okay?

26  
27 You are additionally hereby instructed to provide the  
28 Division with your current address and phone number. I  
29 got that from you earlier. I'll read it to you in a second.  
30 Failure to adhere to any of the above orders shall result in  
31 an additional charge of LAWA Administrative Manual,  
32 Section 5.020.D.1, Refusal to Perform Reasonable Work  
33 Assignments or to Cooperate with Supervisors or  
34 Management in the Performance of Duties; i.e.,  
35 insubordination.

36  
37 And just to confirm with you, you're surrendered to  
38 Sergeant Steve Zouzounis your Ont. SIDA badge?

1  
2 Wimbish: Yes.  
3  
4 Handley: Your Airport Police sworn ID card?  
5  
6 Wimbish: Yes.  
7  
8 Handley: Your police officer badge?  
9  
10 Wimbish: Yes.  
11  
12 Handley: Do you know your badge number by chance?  
13  
14 Wimbish: No.  
15  
16 Handley: Your fire badge?  
17  
18 Wimbish: Yes.  
19  
20 Handley: Your fire ID card?  
21  
22 Wimbish: Yes.  
23  
24 Handley: And your Department-issued Beretta 92FS?  
25  
26 Wimbish: Yes.  
27  
28 Handley: That's a 9mm?  
29  
30 Wimbish: Yes.  
31  
32 Handley: Three magazines?  
33  
34 Wimbish: Yes.  
35  
36 Handley: And ammo for all those magazines plus one extra round  
37 for the gun?  
38

1 Wimbish: Yes.

2 Handley: Your current address given to me was [REDACTED]  
[REDACTED]

3 Wimbish: Yes.

4 Handley: Current phone number is [REDACTED] is your home?

5 Wimbish: Yes.

6 Handley: Your cell phone number is [REDACTED]

7 Wimbish: Yes.

8 Handley: Okay. And additionally for the record, as previously noted,  
9 we were going to ask you for your Sam Browne belt. That  
10 was not given to Sergeant Zouzounis –

11 Wimbish: No.

12 Handley: -- but it's in your locker?

13 Wimbish: Yes.

14 Handley: Okay. And that's fine. We'll just leave it there.

15 Wimbish: Okay.

16 Handley: Okay? And all other items not identified on the form here  
17 are at your issued locker; right?

18 Wimbish: Yes.

19 Handley: Okay. And there's one note here, and we'll change that in  
20 the computer and I'll print you a new copy.

21 Wimbish: Okay.

1  
2 Handley: Any questions, sir?  
3  
4 Wimbish: No.  
5  
6 Handley: Okay. And if I can have you sign and date, and I'll sign  
7 and date also. And that will conclude our Admin Order.  
8  
9 [END OF INTERVIEW]  
10  
11 LINE COUNT: 69.66

**INVESTIGATOR NOTES**

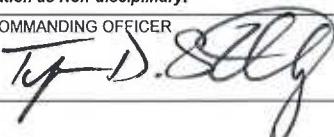
- 4/22/16 Assigned Case/reviewed contents/received pertinent documents for case
- 4/26/16 Officer Wimbish called in and served with Notice of Interview. [REDACTED]
- 4/27/16 Requested documents for reader door #1310 from David Chambers
- 4/28/16 Interviewed Sgt. Zouzounis at Ontario International Airport, went to location of incident and took photographs of ASO Office.
- 5/02/16 Interview with [REDACTED] Airport Employee [REDACTED] /Telephonic
- 5/03/16 Received email from Officer Wimbish's Attorney requesting copy of recorded interview from April 20, 2016 by Sgt. Zouzounis
- 5/10/16 Provided information to Attorney via email
- 5/11/16 Contacted IMTG Ontario regarding video footage from camera at location. Informed by Charles Fisher the video camera had no signal.
- 5/11/16 Requested additional documents from Sgt. Zouzounis
- 5/12/16 ASO Wimbish Interview with representative Attorney Matthew Kane/Mastagni Holstedt Firm
- 5/19/16 Started working on Summary
- 5/24/16 Summary
- 5/26/16 Summary completed, case submitted to Lt. Chavez for review
- 6/02/16 Finalized and re-submitted Case to Lt. Chavez

ADDENDA

1. Personnel Complaint
2. Employee Background Sheet
3. LAWA Administrative Manual Section 5.020 A. 5.  
LAWA Administrative Manual Section 5.020 B. 1.  
LAWA Administrative Manual Section 5.020 B. 5.  
LAWA Administrative Manual Section 5.020 H. 4.
4. Photograph – [REDACTED] Ontario Badge, ASO Office desk area.
5. Badge Access History for Reader Door #1310, Reader Box.
6. Email correspondence from Sgt. Zouzounis regarding Attorney Kane's request for recording/transcripts of Interview with Wimbish.
7. Wimbish Daily Field Activity Report.
8. Zouzounis Watch Commander's Daily Report
9. Ontario Airport Safety Deployment – Platoon A
10. Administrative Assignment Documents.
11. Notice of Interview Form
12. Interview Lead-In and Administrative Orders
13. (2) CDs – includes six audio interviews and transcripts.

## **ADDENDUM # 1**

CONFIDENTIAL

ORIGIN OF COMPLAINT								LOS ANGELES WORLD AIRPORT POLICE COMPLAINT FORM					
<b>CHECK ONE:</b> <input checked="" type="checkbox"/> DEPARTMENT <input type="checkbox"/> ETHICS OFFICE <input type="checkbox"/> VERBAL <input type="checkbox"/> CORRESPONDENCE OR LETTER <input type="checkbox"/> PUBLIC COMPLAINT FORM <input type="checkbox"/> CLAIM FOR DAMAGE OR SUMMONS TO LAWSUIT								CF NO.		16-035			
<b>SOURCE OF COMPLAINT</b> <b>CHECK ONE:</b> <input type="checkbox"/> PUBLIC <input type="checkbox"/> PUBLIC - THIRD PARTY <input checked="" type="checkbox"/> DEPARTMENT <input checked="" type="checkbox"/> DEPARTMENT EMPLOYEE <input type="checkbox"/> OTHER L.E. AGENCY <input type="checkbox"/> JUDICIAL OFFICIAL / PROSECUTOR <input type="checkbox"/> ATTORNEY								LAST NAME, FIRST, M.I.		<input checked="" type="checkbox"/> DEPARTMENT			
								ADDRESS		CITY, STATE			
								R		ZIP			
								ADDRESS		CITY, STATE			
								B		ZIP			
								CAL OP., ID NO., OR DEPT. SERIAL NO.		FOREIGN LANGUAGE			
										UOF - INVESTIGATED BY LAPD / FID			
								ARRESTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		BOOKING NO.			
										INJURED			
								LOCATION OF OCCURRENCE					
								Ont Terminal 2- 2500 E. Terminal Way					
								DATE OF OCCURRENCE		TIME OCCURRED			
								APR 26 2016 Wednesday, April 20, 2016		2250 hours			
								DATE REPORTED TO UNINVOLVED SUPERVISOR		DATE FORM COMPLETED			
								Wednesday, April 20, 2016		2250 hours			
BRIEF SUMMARY: (DESCRIBE NATURE OF COMPLAINT IN BRIEF PHRASES)								REVIEWED BY INTERNAL AFFAIRS UNIT SIGNATURE		SERIAL NO.			
<input type="checkbox"/> FTA <input type="checkbox"/> FTQ <input type="checkbox"/> PTC								LT. [Signature]		00453 04/27/16			
REPORTING SUPERVISOR		LASTNAME, FIRST, M.I. (PRINT)				SERIAL NO.		SECTION		COMPLAINANT SIGNATURE			
		Zouzounis, Steve				03545		PSS		[Signature] 03545			
OR RECEIVED BY PHONE <input type="checkbox"/>													
RECEIPT MAILED <input type="checkbox"/> RECEIPT GIVEN <input type="checkbox"/>													
ACCUSED EMPLOYEE(S): IF UNKNOWN, COMPLETE DESCRIPTORS. INDICATE RANK AND ASSIGNMENT AT TIME OF INCIDENT.													
1	LASTNAME, FIRST, M.I. <input type="checkbox"/> UNK						SERIAL NO.	RANK	SECTION	DUTY STATUS	ARRESTED	ASSIGNMENT TYPE	
	Wimbish, Marvin, Jr.	93331	ASO	B	ON <input checked="" type="checkbox"/> OFF <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> SWORN	<input type="checkbox"/> CIVILIAN					
	SEX	DESC	HAIR	EYES	HGT	WGT	AGE	ADD'L DESCRIPTORS: (TATTOOS, BADGS NO., CLOTHING)				<input checked="" type="checkbox"/> UNIFORMED	<input type="checkbox"/> PLAIN CLOTHES / ADMIN
2	LASTNAME, FIRST, M.I. <input type="checkbox"/> UNK						SERIAL NO.	RANK	SECTION	DUTY STATUS	ARRESTED	ASSIGNMENT TYPE	
	SEX	DESC	HAIR	EYES	HGT	WGT	AGE	ADD'L DESCRIPTORS: (TATTOOS, BADGS NO., CLOTHING)				<input type="checkbox"/> SWORN	<input type="checkbox"/> CIVILIAN
								ON <input type="checkbox"/> OFF <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> UNIFORMED	<input type="checkbox"/> PLAIN CLOTHES / ADMIN	
INVOLVED PERSONS				W-WITNESS A-ATTORNEY		TP-THIRD PARTY CO-COMPLAINANT		P-PARENT PO-PARTNER OFFICER (MANDATORY)	CP-CONTACT PERSON (DOMESTIC VIOLENCE)				
W CAL OP, ID, OR DEPT SERIAL NO ONT AOA BADGE [REDACTED]				NAME [REDACTED] F [REDACTED]		SEX <input type="checkbox"/> DESC <input type="checkbox"/> DOB [REDACTED]		R	ADDRESS OR DIVISION OF ASSIGNMENT		CITY	ZIP	PHONE
								B	[REDACTED]		Ontario	[REDACTED]	[REDACTED]
CAL OP, ID, OR DEPT SERIAL NO				NAME [REDACTED]		SEX <input type="checkbox"/> DESC <input type="checkbox"/> DOB [REDACTED]		R	ADDRESS OR DIVISION OF ASSIGNMENT		CITY	ZIP	PHONE
								B					
<b>Preliminary Case Screening by Employee's Commanding Officer</b>													
<input type="checkbox"/> The complaint, as stated, would not amount to the commission of a felony or misdemeanor crime.													
<input type="checkbox"/> The complaint, as stated, may not result in discipline against the employee, or the complained of act or omission by the employee has no nexus to the employee's position with the Department.													
The complaint does not allege any of the following: Unauthorized force; discrimination of any kind; unlawful search and/or unlawful seizure of person or property; dishonesty; domestic violence; improper/illicit use of alcohol, narcotics, or drugs; sexual misconduct; theft; or retaliation/retribution against another employee. <b>Exception:</b> When a complaint is clearly exonerated or unfounded at the time it is initiated, the complaint may be handled as a Non-Disciplinary complaint.													
<input checked="" type="checkbox"/> The complaint was not a result of concerns arising out of a criminal prosecution or, dismissal of California Penal Code § 148 charges, or, otherwise initiated by a judge or a prosecutor acting in their official capacity.													
<input checked="" type="checkbox"/> The accused employee has no apparent pattern of similar behavior (should generally be limited to the past five years) for which he/she is accused.													
<input checked="" type="checkbox"/> The complaint was not initiated in response to civil suits or claims for damages involving on-duty conduct and civil lawsuits regarding off-duty conduct required to be self-reported by employees.													
<i>All boxes in the preliminary case screening must be marked for classification as Non-disciplinary.</i>													
APPROVAL & INITIAL CLASSIFICATION		<input type="checkbox"/> Non-Disciplinary <input checked="" type="checkbox"/> Disciplinary		COMMANDING OFFICER		Serial No.		DATE					
				 'STALLINGS'		91304		4/21/16					
APD CF1.0 (REV 02-08)													

**Summarize the nature of the complaint using plain narrative: .**

**Officer was observed by a supervisor without gun belt in process of on duty sexual activity with a female in an Airport Police restricted room.**

**Summary:** Include preliminary investigation, additional involved persons, and list any evidence collected; use additional pages if needed and attach any statements taken.

At approximately 2250 hours on April 20, 2016, I was conducting routine supervisory patrol of my Ontario Airport patrol area as 3L10. I wanted to meet with the soon off going W2 officers to see if anything was needed by them. I walked curbside T2 and was unable to locate uniformed foot beat officer 2F21. I then went to the T2 ASO office (room 1310) believing the officer may be completing his log with only 40 minutes left in his shift. I swiped and accessed the acams door 1310 and entered the AOS office room. To my surprise I saw 2F21, ASO Officer Marvin Wimbish Jr Serial #93331 standing behind the ASO desk in the S/W corner of the room. I saw standing and hiding behind him was a female [REDACTED] without pants or underwear. She was naked from the waist down but had her [REDACTED] airport [REDACTED] uniform shirt on. The uniformed officer was fully clothed but his gun belt was removed and laying on the desk.

I directed both to get dressed but not leave the room and I exited the room to give privacy to the female. After a few minutes, I re-entered the room after knocking. I excused the Ofcr temporarily to speak privately to the female to ensure that the apparent sexual activity was consensual. Her safety was my primary concern at that point. In private, I spoke to [REDACTED] employee [REDACTED] Ontario airport badge [REDACTED] telephone number [REDACTED]. At 2256 hours, I spoke to her discreetly and privately and she told me the following.

I asked her if she was a [REDACTED] employee and she replied, "yes". I asked her if she was on duty and she said, " yes". I stated that I came into the room and I caught you in the office undressed so my concern is to ensure you're here voluntarily with the officer and she replied, "yes". You weren't forced to be with the officer, were you having sex? What were you doing? She replied, "about to have sex". I advised, but I caught you before you started? and she replied, " yes". I told her my main concern is that she was voluntarily with him and whatever you were about to do was by your choice and she replied, "yes". I asked, so he didn't force you, threaten you, or coerce you to be with him? Everything you were about to do was voluntarily? She replied, "yes". I asked if she was over 18 and she replied, " yes" [REDACTED]. She stated she had no driver license in her possession, but I recorded her AOA badge number and name. I asked how long she knew him and she said, "1 to 2 years". I asked if she did this before here and she replied, "no". She stated "it just happened and we hadn't done anything yet but were about to". I confirmed that everything she "did or was about to was voluntarily because you like him"? and she replied, " yes". I ended the interview and did not speak to her supervisor or make any notifications in that regard. However, she provided me her supervisor name of [REDACTED] with the phone number of [REDACTED]. I excused the female.

At 2310 hours, I then spoke privately to Ofcr Wimbish. I ask him if he was comfortable speaking to me in the room and he said yes. I asked him if he wanted a representative present prior to speaking to me, and he declined saying "no, I will talk to you". I conducted a brief interview on an emergency basis to confirm the stories of both parties to verify that no crime had occurred under color of authority and no further immediate criminal investigation would be needed with subject [REDACTED]. He observed and I advised him of my recording the conversation and I asked officer Wimbish the following.

I spoke to Officer Marvin Wimbish Jr, serial # 93331. I told him that during my routine patrol I entered the ASO office and observed [REDACTED] in the break room with him and they were close and his Gun belt was off. I asked can you describe your relation with her and advise what your activity was. He stated, "we are very close friends, we came into the office, I did have my gun belt off, we kissed, we were going to take it further but didn't". So I interrupted you then. He replied, "yes". So you were here voluntarily and she was here voluntarily? You have a friendship relationship and she was here voluntarily with no influence under color of authority, no intimidation or threats to make her present or partake in this activity with you? Officer advised, "no". At this point both stories of both parties matched similarly and I felt comfortable that no criminal activity occurred needing immediate further investigation with the female subject. He stated this was the first time this happened. I then concluded the two minute interview.

## CONTINUATION

16-035

Officer Wimbish was very calm, professional and cooperative during my entire contact with him during this incident. I advised the Ofcr to return to duty and ordered him not to speak to anyone regarding the incident.

I then researched and called the on-call IA Sergeant William Handley and notified him of the incident at approximately 2330 hrs. I then called Captain Stallings who also is my direct supervisor and OIC of the Ontario Airport Police. I advised him of the occurrence at approximately 2345 hours. After reviewing the circumstances, Captain Stalling confirmed the officer is now EOW as of 2400 hours on 4/20/16 and remains on fire duty through 4/22/16. When the officer began his Fire shift early at 0710 hours on 4/21/16, with OIA Fire Captain Calloway and APD Sgt N. Smith present, I spoke with the officer and advised him he is being placed on Administrative leave. I took possession of his badges, weapon and all ID's. I directed him to report to Sergeant William Handley at LAX Internal Affairs division promptly at 1000 hours on 4/21/16.

It is unknown if surveillance video exists in the area of this incident. ACAMS access information is available if needed from Ontario Badging personnel.

INVESTIGATING OFFICER (NAME, RANK)		SERIAL NO.	REVIEWING SUPERVISOR (NAME, RANK) <i>Ty D. S. CPT. 'STALLINGS'</i>	SERIAL NO.
SUPERVISOR AT SCENE (IF ANY)		SERIAL NO.	UNIT OICWATCH COMMANDER DATE OF INCIDENT	SERIAL NO.

<input type="checkbox"/> PTC:	INCIDENT NO.	DATE OF COLLISION	FLEET SAFETY HISTORY (PRIOR PTCs)	
			LAST 5 YEARS	CAREER
<input type="checkbox"/> FTA:	COURT OR TRAINING DATE	CASE OR TRAINING ORDER NO.	FTA HISTORY (SUSTAINED ONLY)	
			LAST 5 YEARS	CAREER
<input type="checkbox"/> FTQ:	QUALIFICATION MONTH / YEAR	REASON <input type="checkbox"/> FORGOT <input type="checkbox"/> SHOT AND FAILED	FTQ HISTORY (SUSTAINED ONLY)	
			LAST 5 YEARS	CAREER

## Classification by Assistant Chief of Airport Police

 DISCIPLINARY

- NOTICE TO CORRECT DEFICIENCIES (SWORN ONLY)
- NON-DISCIPLINARY (CHECK APPLICABLE BOX)
  - POLICY / PROCEDURE - The facts of the case revealed that the complaint relates to Department policy/procedure and not to a specific employee's actions.
  - EMPLOYEE'S ACTIONS DID NOT RISE TO THE LEVEL OF MISCONDUCT - A preliminary investigation revealed that the allegations did not rise to the level of misconduct and/or the named employee's actions were protected by law or found to be consistent with Department policy or procedure.
  - EMPLOYEE'S ACTIONS COULD HAVE BEEN DIFFERENT - The facts in the complaint revealed the employee's actions could have been different.
  - However, the employee's act or omission is best addressed through corrective action by the employee's commanding officer. The appropriate corrective action(s) are: (Check all that apply).

 COUNSELING EMP NOTICE  
OF OFFENSE (CIVILIAN ONLY) \_\_\_\_\_ TRAINING

\_\_\_\_\_

 COMMENT CARD NOTICE TO CORRECT DEFICIENCIES (CIVILIAN ONLY)

DEMONSTRABLY FALSE - The complaint was demonstrably false, or, demonstrates an irrational thought process and was consistent with the complainant's established pattern of making chronic or crank complaints.

DEPARTMENT EMPLOYEE(S) NOT INVOLVED - The preliminary investigation revealed that the complaint did not involve Department employee(s).

ASSISTANT CHIEF OF AIRPORT POLICE

NAME (PLEASE PRINT)

95 of 141

SIGNATURE

CONTINUATION

16-035

LAXPPD SB 1421/309/10

## **ADDENDUM # 2**

**EMPLOYEE BACKGROUND SHEET  
FOR  
Marvin Wimbish**

**Appointments:**

July 1, 2009 Pay grade Advancement to **Airport Safety Officer II**, Airports;  
July 6, 1997 Promotion to **Airport Safety Officer**, Airports;  
July 9, 1993 Original Appointment to **Special Officer III**, Airports;

**Commendations & Recognition:**

April 7, 2003 Perfect Attendance 2002  
January 17, 2001 Letter of Favorable Communication  
August 25, 2000 Excellent Attendance 2000

**Evaluations:**

June 2012 **Annual Employee Performance Evaluation**, Overall Rating Above Satisfactory;  
June 2011 **Annual Employee Performance Evaluation**, Overall Rating Exceeds Standards;  
June 2010 **Annual Employee Performance Evaluation**, Overall Rating Above Satisfactory;  
June 2009 **Annual Employee Performance Evaluation**, Overall Rating Above Satisfactory;  
June 2008 **Annual Employee Performance Evaluation**, Overall Rating of Competent;

**Disciplinary Actions:**

None on file.

## **ADDENDUM # 3**



**A. Misconduct, on or off the Job, Seriously Reflecting on City Employees or Employment**

Standard: Employees must perform their duties in a manner which earns and maintains the trust and respect of their supervisors, other employees, and the public.

<u>OFFENSE</u>	<u>SUGGESTED ACTIONS</u>		
	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. Using official position or office for personal gain or advantage	Written Notice to Discharge	10 day Suspension to Discharge	Discharge
2. Engaging in any employment, activity or enterprise which constitutes a conflict of interest	Written Notice to 30 day Suspension	6 day Suspension to Discharge	Discharge
3. Accepting favors or gratuities for service required on the job	Written Notice to Discharge	6 day Suspension to Discharge	Discharge
4. Disclosing confidential information	1 day Suspension to Discharge	10 day Suspension to Discharge	Discharge
5. Engaging in illegal behavior or conduct in conflict with job duties on or off the job	Written Notice to Discharge	6 day Suspension to Discharge	Discharge

**B. Job Performance Below Standard**

Standard: Employees must provide a high quality of service to the public and perform their duties effectively and efficiently.

<u>OFFENSE</u>	<u>SUGGESTED ACTIONS</u>		
	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. A violation of departmental rules	Oral Warning to 5 day Suspension	6 day Suspension to Discharge	Discharge
2. Requiring excessive supervision or instruction in performance of duties after completion of training for the position	Oral Warning or Written Notice	Written Notice to 5 day Suspension	6 day Suspension to Discharge
3. Misusing, or failing to use, delegated authority in the performance of duties	Oral Warning to 5 day Suspension	6 day Suspension to Discharge	Discharge
4. Personal appearance and hygiene not appropriate for the job in terms of department standards and job safety	Oral Warning to Written Notice	Written Notice to 5 day Suspension	6 day Suspension to Discharge
5. Failure to perform work assignments adequately or promptly	Oral Warning to Discharge	1 day Suspension to Discharge	Discharge
6. Failure to carry out supervisory responsibilities adequately	1 day Suspension to Discharge	5 day Suspension to Discharge	Discharge



Section:	5.020
Page:	7 of 13
Date:	01/31/10

8. Using City time, property or equipment without authorization	Written Notice to Discharge	6 day Suspension to Discharge	Discharge
9. Unauthorized removal or possession of City equipment or property	1 Suspension to Discharge	10 day Suspension to Discharge	Discharge
10. Unauthorized use of City equipment or material in fabricating articles for private use	Written Notice to Discharge	5 day Suspension to Discharge	Discharge
11. Failure to exercise proper supervisory oversight to protect City assets	Written Notice to Discharge	5 day Suspension to Discharge	Discharge

## H. Standards of Conduct for Peace Officers

**Standard:** Employees performing functions that require peace officer status are required to conduct themselves (on and off duty) in a manner demonstrating respect for the laws they are sworn to uphold and the people and property they are employed to protect. Behavior on and off the job must not reflect negatively upon the City as their employer.

### SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. Use of excessive force	30 day Suspension	Discharge	
2. Falsification or destruction of evidence or reports related to investigations	15 day Suspension to Discharge	30 day Suspension to Discharge	Discharge
3. Failure to report to take action against officer misconduct, on or off the job	15 day Suspension to Discharge	30 day Suspension to Discharge	Discharge
4. Abuse or inappropriate use of Peace Officer status	15 day Suspension to Discharge	30 day Suspension to Discharge	Discharge

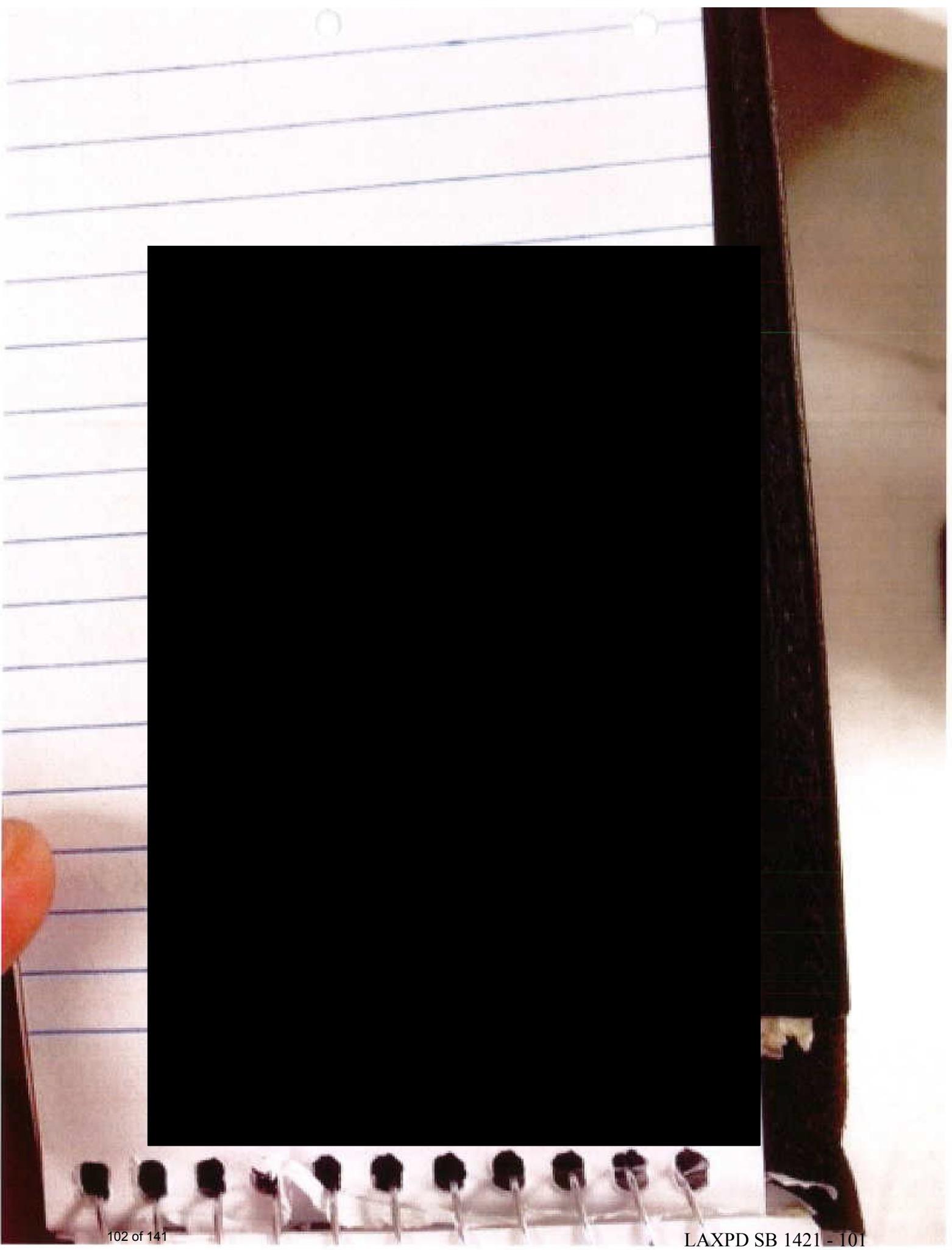
## I. Discrimination/Harassment

**Standard:** City employees are expected to comply with Federal and State laws and regulations and City policies including mayoral directives ensuring equal employment opportunity and a discrimination/harassment free workplace. City employees are expected to demonstrate sensitivity to and respect for individual and personal differences when working with other employees and the public. Actions which create a hostile, offensive, threatening, or intimidating work environment will not be tolerated.

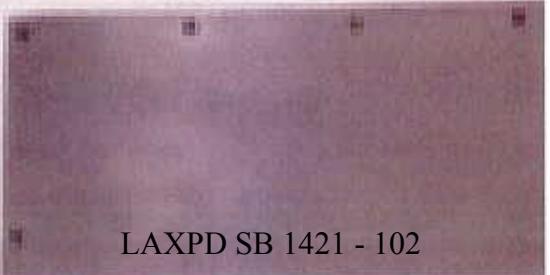
### SUGGESTED ACTIONS

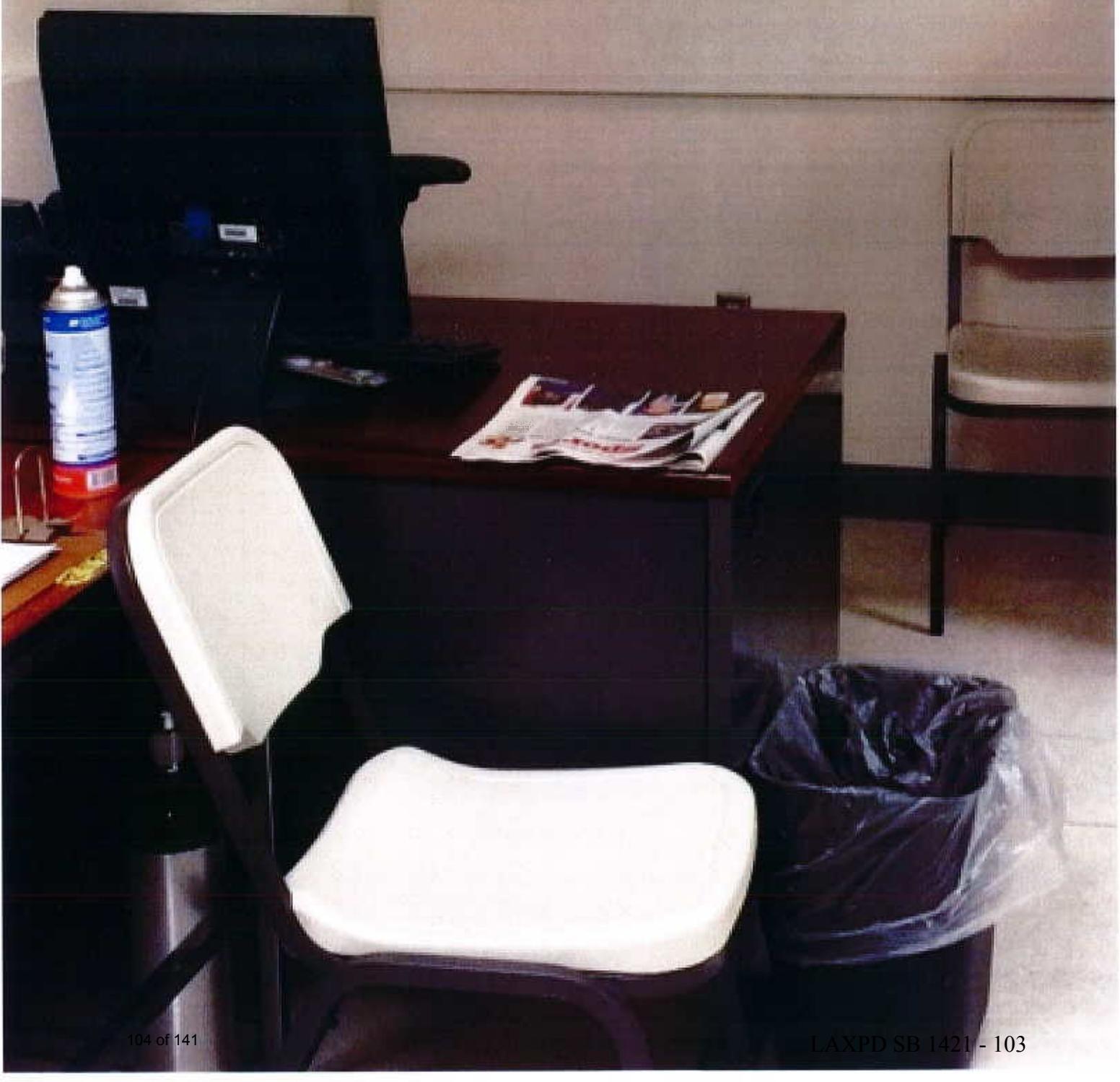
<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. Failure to comply with City policies on equal employment opportunity, including but not limited to, the recruitment, selection, promotion, training, or disciplining of employees.	Oral Warning to Discharge	Discharge	
2. Demonstrating insensitivity to others by making derogatory comments, epithets, jokes,	5 day Suspension to Discharge	Discharge	

## **ADDENDUM # 4**



1310







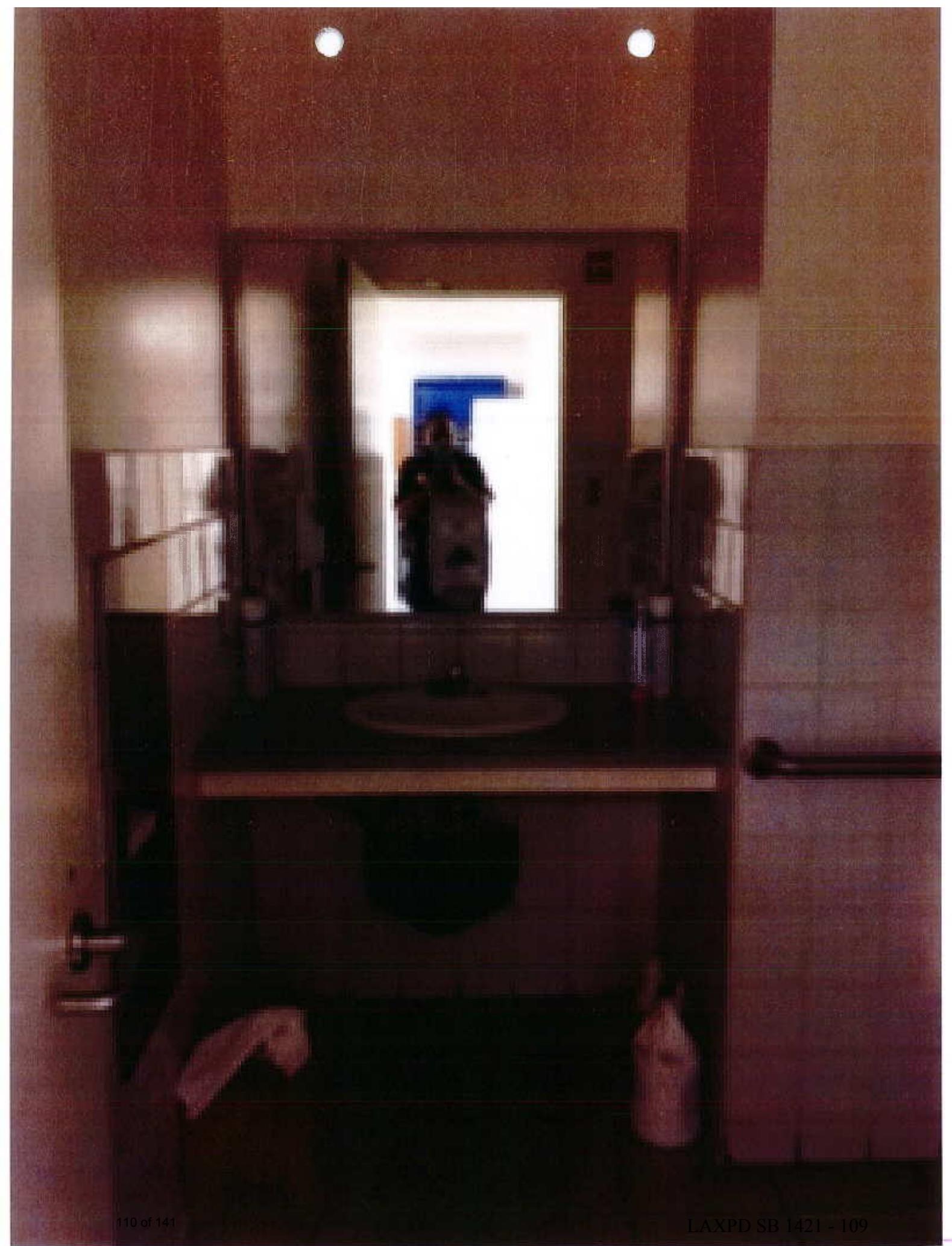
LAXPD SB 1421 - 104







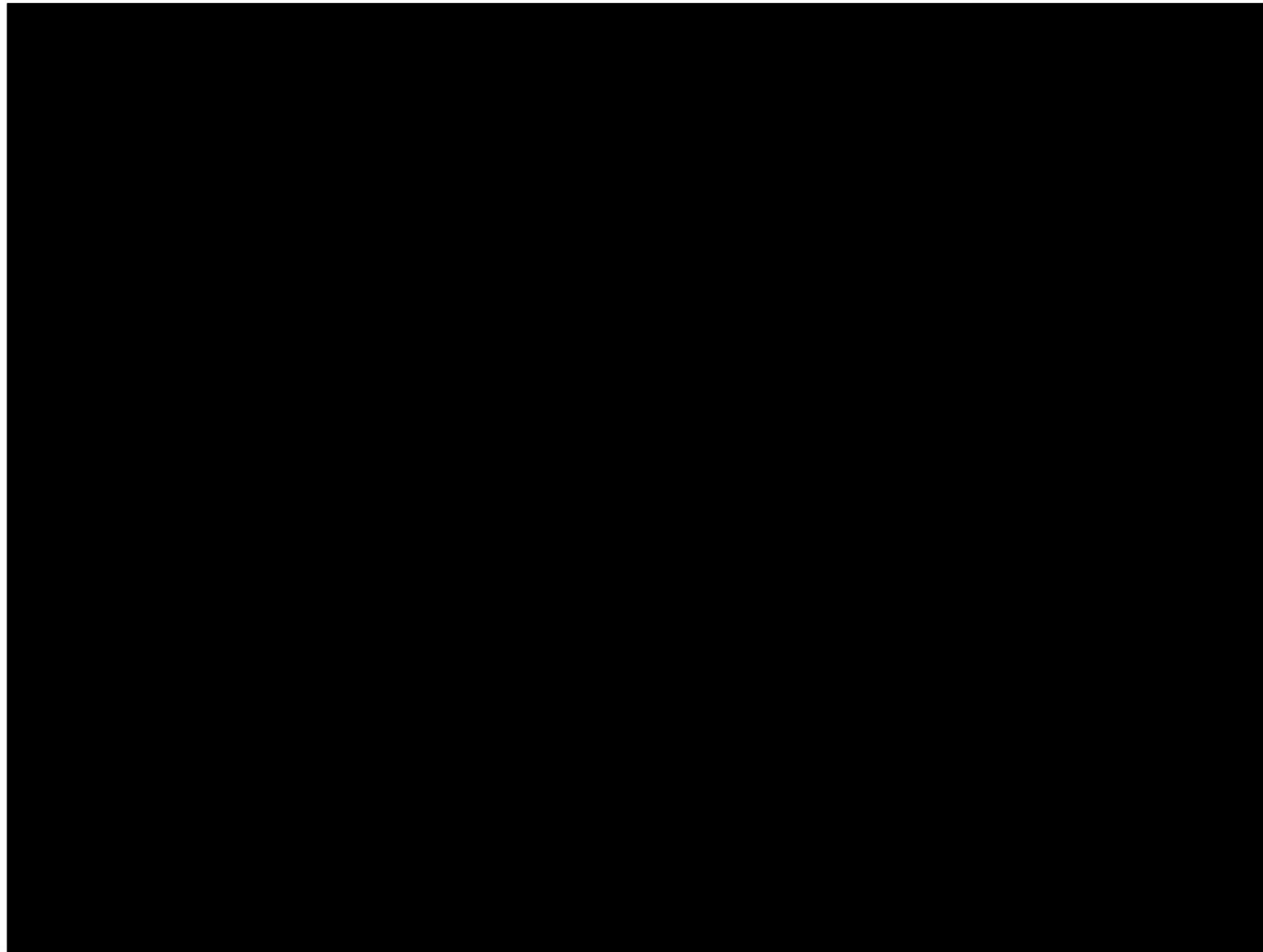


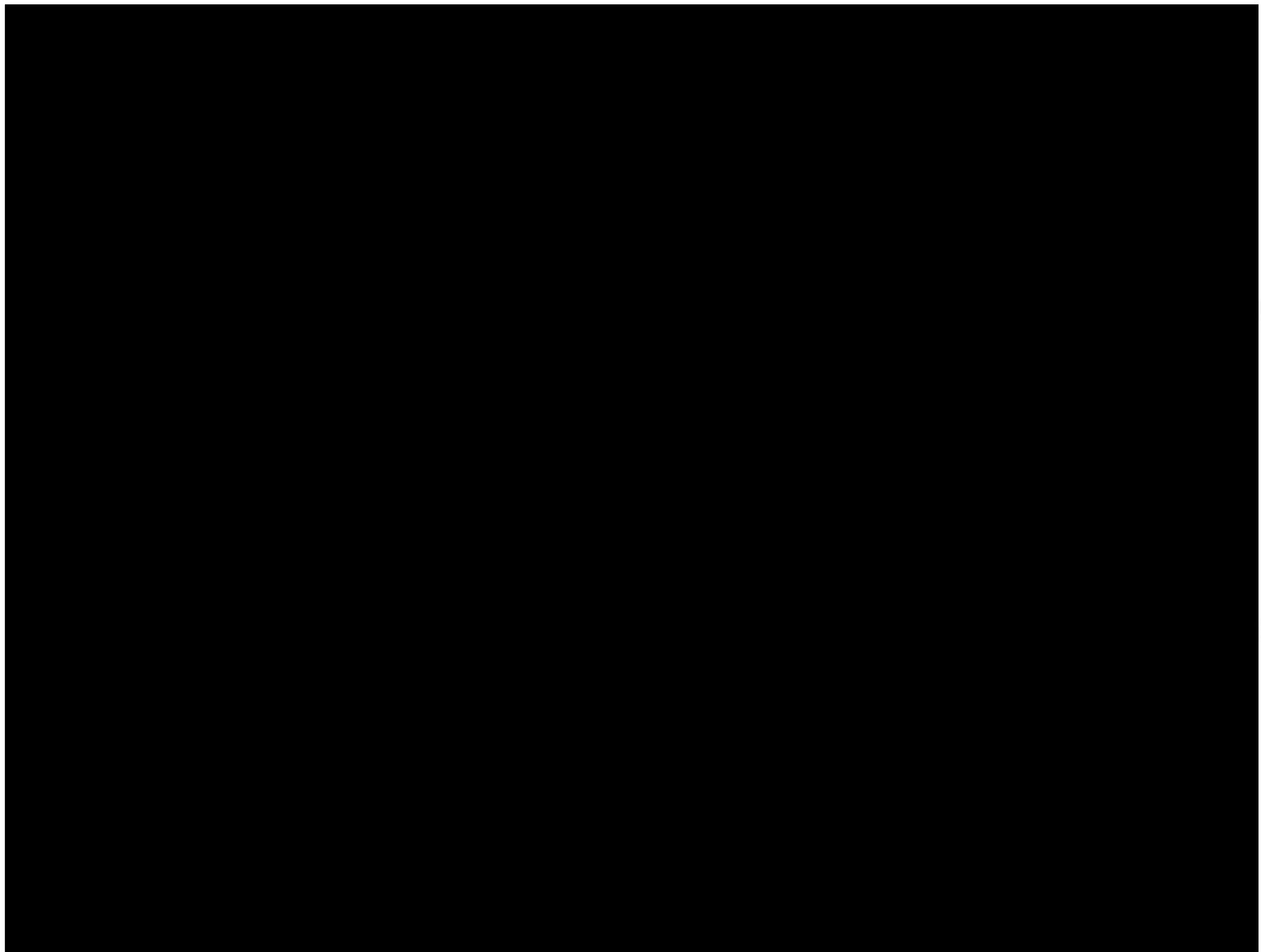






## **ADDENDUM # 5**





Total: 50



## **ADDENDUM # 6**

**NETTLES, BELINDA L.**

---

**From:** Matthew S. Kane <mkane@mastagni.com>  
**Sent:** Tuesday, May 10, 2016 4:59 PM  
**To:** NETTLES, BELINDA L.  
**Subject:** RE: Whimbish, Jr., Marvin D -- Request for Copy of Interview

Received. Thank you!

**Matthew S. Kane | Associate**

**MASTAGNI HOLSTEDT, A.P.C.**

**Labor & Employment Department**

**3400 Inland Empire Blvd., Ste. 101**

**Ontario, CA 91764**

*Main: (916) 446-4692 | Fax: (916) 447-4614*

*Direct: (916) 318-4617 | Cell: (916) 468-9805*

*[www.mastagni.com](http://www.mastagni.com)*

**Please direct all mail to our Sacramento Office:**

**1912 I St., Sacramento, CA 95811**

---

**From:** NETTLES, BELINDA L. [<mailto:BNETTLES@lawa.org>]

**Sent:** Tuesday, May 10, 2016 10:20 AM

**To:** Matthew S. Kane <[mkane@mastagni.com](mailto:mkane@mastagni.com)>

**Subject:** RE: Whimbish, Jr., Marvin D -- Request for Copy of Interview

Mr. Kane,

As requested, please find attached the audio interview and transcript of the interview with ASO Marvin Wimbish.

Thank you,

Sgt. Belinda Nettles  
Los Angeles Airport Police  
Internal Affairs Unit

---

**From:** NETTLES, BELINDA L.

**Sent:** Friday, May 06, 2016 12:52 PM

**To:** 'mkane@mastagni.com'

**Subject:** RE: Whimbish, Jr., Marvin D -- Request for Copy of Interview

Mr. Kane,

I am handling the Wimbish case and am in receipt of your request below. I will get the information to you early next week.

Thank you,

Sgt. Belinda Nettles  
Los Angeles Airport Police

---

**From:** Matthew S. Kane [<mailto:mkane@mastagni.com>]  
**Sent:** Monday, May 02, 2016 8:35 AM  
**To:** ZOUZOUNIS, STEVEN E  
**Subject:** Whimbish, Jr., Marvin D -- Request for Copy of Interview

Dear Sgt. Zouzounis,

Please be advised that our office represents Marvin D. Whimbish, Jr. in his upcoming IA, which is currently scheduled for Thursday, May 12, 2016 at 11:00am at the LAX Internal Affairs Unit.

We are in receipt of the Notice of Interview. Thank you for providing that.

We have also been advised that Mr. Whimbish, Jr. was interviewed on the day of the incident by tape recording. **Please provide us with a copy of the tape and the transcript, if any, of this interview.**

Please advise if you have any questions or concerns.

Thank you! We look forward to hearing from you soon.

**Matthew S. Kane | Associate**

**MASTAGNI HOLSTEDT, A.P.C.**

**Labor & Employment Department**

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**Please direct all mail to our Sacramento Office:  
1912 I St., Sacramento, CA 95811**

## **NETTLES, BELINDA L.**

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**From:** ZOUZOUNIS, STEVEN E  
**Sent:** Tuesday, May 03, 2016 5:38 AM  
**To:** NETTLES, BELINDA L.  
**Cc:** HANDLEY, WILLIAM W  
**Subject:** FW: Whimbish, Jr., Marvin D -- Request for Copy of Interview

Hello Sgt Nettles, I received this email from this attorney. I am not sure why he is contacting me. I have not replied to them and ask you please handle this as that seems more appropriate. Please let me know if anything is needed by me. Thank you, SZ

---

**From:** Matthew S. Kane [<mailto:mkane@mastagni.com>]  
**Sent:** Monday, May 02, 2016 8:35 AM  
**To:** ZOUZOUNIS, STEVEN E  
**Subject:** Whimbish, Jr., Marvin D -- Request for Copy of Interview

Dear Sgt. Zouzounis,

Please be advised that our office represents Marvin D. Whimbish, Jr. in his upcoming IA, which is currently scheduled for Thursday, May 12, 2016 at 11:00am at the LAX Internal Affairs Unit.

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Please advise if you have any questions or concerns.

Thank you! We look forward to hearing from you soon.

### **Matthew S. Kane | Associate**

**MASTAGNI HOLSTEDT, A.P.C.**  
**Labor & Employment Department**  
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**Please direct all mail to our Sacramento Office:**  
**1912 I St., Sacramento, CA 95811**

## **ADDENDUM # 7**

# DAILY FIELD ACTIVITIES REPORT



ONTARIO AIRPORT POLICE

123 of 141

OFFICER NAME	BADGE #	CALL SIGN	WATCH	DATE	DAY	ON DUTY	OFF DUTY	REVIEWED BY	
WIMBISH	93331	2F21	PM	04/20/2016	WED	1550	0000		
VEHICLE SHOP# C-2660	REMARKS:  IF VEHICLE IS UNSERVICEABLE, NOTIFY WATCH COMMANDER AND TURN IN MAINTENANCE REQUEST.			AIRPORT IDENTIFICATION CHECK					
MILEAGE EOW				COMPANY	SUBJECT	ID#	D/L OK	TIME	
MILEAGE OUT									
TOTAL									
FUEL LEVEL:	<input type="checkbox"/> 1/4	<input type="checkbox"/> 1/2	<input checked="" type="checkbox"/> 3/4	<input type="checkbox"/> FULL					



## DAILY PATROL CHECKOUT LIST

AT THE BEGINNING OF EACH PATROL WATCH, THE OFFICER SHALL INVENTORY THE PATROL VEHICLE TO INSURE THAT ALL SUPPLIES ARE PRESENT. COMMENTS SHALL INCLUDE VEHICLE DAMAGE AND ADDITIONAL ITEMS MISSING OR NEEDING REPAIR.

ITEM	YES	NO	ITEM	YES	NO	ITEM	YES	NO
FLUID LEVELS OK (INCLUDING OIL)	<input type="checkbox"/>	<input type="checkbox"/>	SHOTGUN #	<input type="checkbox"/>	<input type="checkbox"/>	GLOVES (1 BOX)	<input type="checkbox"/>	<input type="checkbox"/>
NEW BODY OR TIRE DAMAGE	<input type="checkbox"/>	<input type="checkbox"/>	UPR #	<input type="checkbox"/>	<input type="checkbox"/>	ANTIMICROBIAL HAND WIPES	<input type="checkbox"/>	<input type="checkbox"/>
SEAT BELT WORKING	<input type="checkbox"/>	<input type="checkbox"/>	TASER #	<input type="checkbox"/>	<input type="checkbox"/>	BLOODBORNE PATHOGEN KIT	<input type="checkbox"/>	<input type="checkbox"/>
REAR DOOR LOCKS/TRUNK RELEASE	<input type="checkbox"/>	<input type="checkbox"/>	FLARES (1 BOX)	<input type="checkbox"/>	<input type="checkbox"/>	TRAUMA SHOOTING KIT	<input type="checkbox"/>	<input type="checkbox"/>
LIGHT/SIREN/PA CHECK	<input type="checkbox"/>	<input type="checkbox"/>	TRAFFIC CONES (6)	<input type="checkbox"/>	<input type="checkbox"/>	BOLT CUTTER	<input type="checkbox"/>	<input type="checkbox"/>
RADIO OPERATIONAL	<input type="checkbox"/>	<input type="checkbox"/>	YELLOW POLICE TAPE (1 ROLL)	<input type="checkbox"/>	<input type="checkbox"/>	VEHICLE COLLISION REPORT	<input type="checkbox"/>	<input type="checkbox"/>
MDT OPERATIONAL	<input type="checkbox"/>	<input type="checkbox"/>	FIRST AID KIT	<input type="checkbox"/>	<input type="checkbox"/>	COMMENTS:		
FREE OF EVIDENCE/CONTRABAND/ PROPERTY	<input type="checkbox"/>	<input type="checkbox"/>	EMERGENCY BLANKET	<input type="checkbox"/>	<input type="checkbox"/>			
			FIRE EXTINGUISHER	<input type="checkbox"/>	<input type="checkbox"/>			

ACTIVITY	ENFORCEMENT	ARREST	REPORTS	ALARMS	ID CHECKS	SECURITY CHECKS	ESC																										
RAD	OHS	OTD	AST	OTH	M	OTE	PER	ADMN	EL	WARN	TEL	MEG	WARE	CRM	INC	ZUP	TSA	LT	VE	DMF	IND	ADAMS	SSP	225	MEDICAL	SOA	D/I	LED	TEAM	PERM	KAMP	DOCK	ESORT

EVENT/CASE #	TIME	SOURCE	LOCATION OF ACTIVITY	TYPE OF ACTIVITY	CITATION/DPR or NAME ON F.L.
	R 1550		SAFETY BASE	P/U EQUIPMENT	
	C 1555		DISPOSITION CLEAR		
	R 1555		T - 2	PATROL	
	C 1755		DISPOSITION NUA		
16011428	R 1755	TERM	T - 2 SCREENING	HIGH VISIBILITY	
	C 1855		DISPOSITION NUA		
	R 1855		T - 2	PATROL	
	C 1915		DISPOSITION NUA		



## **ADDENDUM # 8**

**LOS ANGELES AIRPORT POLICE**  
**WATCH COMMANDER'S DAILY REPORT**

DATE 4-20-16	DAY OF WEEK Wednesday	SECTION ONT	WATCH W3	WATCH COMMANDER'S NAME SGT. S. Zouzounis #03545
-----------------	--------------------------	----------------	-------------	--

**DEPLOYMENT**

RESOURCE	DAY		PM		RESOURCE	DAY		PM	
	ACT	PLN	ACT	PLN		ACT	PLN	ACT	PLN
Field Supervisors	1	1			Security Supervisors	0	0		
L Units	2	2			Fixed Post Security Units	2	2		
F Units	2	2			Sr. Communications Ops.	1	1		
Canine Teams	2	2			Communications Operators	2	2		
ASO Traffic Officers	1	1			MOVIE DETAIL	0	0		

BRIEFLY EXPLAIN ANY DEVIATION IN ACTUAL DEPLOYMENT FROM PLANNED DEPLOYMENT

SK Hours	AW Hours	VC Hours	OT Hours	Employee Name	Explanation
8.0				F. Lopez SACU	Called off FI
				Total 8.0	

Early

**ROLL CALL TRAINING**

Late

Subject:	Conducted By:	Subject:	Conducted By:
Inspection By:		Inspection By:	

**STATION INSPECTIONS (Two per watch minimum)**

TIME	Discrepancies	
	Police Administration – No discrepancies noted.	

**DEPARTMENTAL NOTIFICATIONS**

TIME	INITIAL	List whom notified and log item no.
2345		Capt Stallings- Admin issue- line 7

**FIELD INSPECTIONS (Three per watch minimum)**

TIME	Officers Deployed	Officers Observed	Officers Committed	Officers On Break	Briefly explain any deviation in officers observed and committed or on break from officers deployed
2240	4	1	0	0	
0350	2	2			

**BRIEFING / DEBRIEFING**

TIME	Name of Prior Watch Commander	Name of Subsequent Watch Commander	Briefly explain any information received or passed on
2030	Sgt. Lindsey	Zou	Routine Matters – NUA
0500	Zou	Sgt. Smith	Items listed on log. NUA

**DEPARTMENTAL COORDINATION (Contact each party during watch)**

TIME	Position	Name	Briefly explain any information received or passed on
2045	ARFF Capt. Helsom		Briefed- NUA
	City OPS		
	LAX W/C		

**LOG RECAP**

ASO/APO Deployment	DRAR Count	SO Deployment	Log Count	Difference	Explanation

PAGE 1 of *12-ber*

**LOG OF SIGNIFICANT ACTIVITIES**

Include all demonstrations, officer-involved altercations, missing juveniles, special events, visits from outside agencies, visits from V.I.P.s (including Department V.I.P.s), and items of unusual interest. Number each item and include time occurred. Attach all applicable reports to this chart.

- | No. | Time             | Activity: include person notified   |
|-----|------------------|---|
| 1.) | 2030-            | SOW On duty as W3 Shift Watch Commander. Briefed 2L10 Sgt Lindsey- NUA- Numerous homeless issues today including a female who jumped a non AOA fence to evade officers          |
| 2)  | 2045-            | Spoke to Fire Capt Helsom- NUA  |
| 3)  | 2100-            | Station admin   |
| 4)  | 2200-            | Clear   |
| 5)  | 2220-            | Patrol AOA  |
| 6)  | 2240-            | Patrol- T2- traffic and vehicles curbside- UTL 2F21   |
| 7)  | 2250-            | Met 2F21 in ASO office- Admin issue- Capt Stallings advised- Report Filed   |
| 8)  | 2350-            | Met and briefed 3F21 and 3F41 for outgoing watch- NUA-  |
| 9)  | 0000-            | all off going 2F21, 2F41, 2L51 and 2L52 code4 and EOW   |
| 10) | 0030-            | Station Admin- Admin issue from line 7- Email- Report   |
| 11) | 0350-AOA-Patrol- | Met 3F41- Briefed- NUA  |
| 12) | 0410-            | T2- Walkthrough- Met and briefed 3F21- NUA- Screening opened  |
| 13) | 0430-            | T4- Patrol- Met 3F41  |
| 14) | 0435-            | Disp trans call from F. Lopez #9J084- Employee called off FI for one day for his W-1 SACU shift today. J. SROUJI on duty for 1P6. Email sent- notifications made- 1L10 briefed. |
| 15) | 0500-            | briefed 1L10 Smith on duty for 1L10 duties. Briefed Admin issue and SACU shortage due to call off   |
| 16) | 0515-            | Station Admin- Report Admin   |
| 17) | 0530-            | 1L10 assumed WC duties  |
| 18) | 0630-            | Met Captain regarding Admin issue- 1L10 present- wit to admin processing of officer on Admin leave- Protocol followed- referrals made   |
| 19) | 0700-            | Station- Admin- Report-   |
| 20) | 0720-            | Met Officer admin issue Sgt Smith and Capt Calloway present- Admin susp served and weapon and ID taken- receipt given.  |
| 21) | 0805-            | Clear with officer  |
| 22) | 0805-            | Admin report  |
| 23) | 0930-            | Exec building met capt Stallings and turned in complaint  |
| 24) | 1000-            | End of Watch.   |

WATCH COMMANDER'S SIGNATURE

Sgt. S. Zouzounis #03545

MA

PAGE 6 of 127 of 141  
2 2 MP

LAXPD SB 1421 - 126

## **ADDENDUM # 9**

PLATOON <b>A</b>	F	OAP SAFETY DEPLOYMENT 15								DATE 04-20-16	HazMat Specialists/Technicians					
POLICE WATCH										A Shift	B Shift	C Shift				
Assignment #	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>	6 <input checked="" type="checkbox"/>	7 <input type="checkbox"/>	8 <input type="checkbox"/>	9 <input type="checkbox"/>	10 <input type="checkbox"/>	Deluca-s	Devilbiss-s	Gladson-s			
1, 2, 3	51	21	52	41	53	51	21	52	41	53	Duckett-s	Geihm-s	Duncan-s			
13, 5, 6	21	52	41	53	51	21	52	41	53	51	Westling-s	Johnson-s				
10, 8, 9	52	41	53	51	21	52	41	53	51	21	Secord-s	Shernicoff-s				
4, 11, 12	41	53	51	21	52	41	53	51	21	52	Bruno-t	Howard-t	Dixson-t			
7, 14, 15	53	51	21	52	41	53	51	21	52	41	Hernandez--t		Gonzalez-t			
D S G											Rodriguez-t		Nugent-t			
<b>ARFF DUTY</b>				<b>DRIVERS AWARENESS CLASS</b>									Santiago-t	Rasmussen-s		
BATT. 2315 Helsom				BATT. 2316 Callaway									<b>Stair Truck</b>			
K150E 1 + Clark 2 + Wimbish PO 3 +				<b>DRIVERS AWARENESS CLASS</b>			<b>RELEIVED BY</b>	2	<b>Days</b>		3	<b>P.M.</b>				
K150A 13# Solis 5 # Santiago 6 # Womble								5	<b>Days</b>		6	<b>P.M.</b>				
K150B 10 Zinter 8 Bruno-hol 9 Lalicker								8	<b>Days</b>		9	<b>P.M.</b>				
K150C 11 Deluca 14 Duckett-t								11	<b>Days</b>		14	<b>P.M.</b>				
S150A 12 15 4 Hernandez 7 Yabur-t								12	<b>Days</b>		15	<b>P.M.</b>				
<b>OFF DUTY</b>				<b>Notes</b>			<b>Information</b>						<b>Heavy Rescue</b>			
Secord - IOD Plourde-hol Rodriguez - VC				Moved : 6,9,3,6,9,3,12			+ Rapid Deployment Team # Secondary Deployment Team * Additional Personnel						<b>Days</b>			
													<b>P.M.</b>			
													<b>Decon Team</b>			
													Days	P.M.		
													3	1		
													6	4		
													9	7		
													15	12		

F

## OAP SAFETY DEPLOYMENT 15

DATE  
04-20-16

## POLICE WATCH

1	2	3	4	5	6	7	8	9	10
51	21	52	41	53	51	21	52	41	53
21	52	41	53	51	21	52	41	53	51
52	41	53	51	21	52	41	53	51	21
41	53	51	21	52	41	53	51	21	52
53	51	21	52	41	53	51	21	52	41

## ARFF DUTY

## DRIVERS AWARENESS CLASS

315      BATT. 2316  
m      Callaway

		DAYS	PM	AM	RELIEVED BY
1 +	Clark				2
2 +	Wimbish PO				3
3 +					
13#	Solis				5
5 #	Santiago				6
6 #	Womble				8
10	Zinter				9
8	Bruno-hol				11
9	Lalicker				14
11	Deluca				
14	Duckett-t				
		12			
		15			
12					
15					
4	Hernandez				12
7	Yabur-t				15

OFF DUTY	Notes	Information
	Moved : 6,9,3,6,9,3,12	+ Rapid Deployment Team # Secondary Deployment Team * Additional Personnel

\*\*\*WEHAT RESPONSE TEAM\*\*\*  
 Hernandez / Geihm      Rodriguez / Duckett

HazMat Specialists/Tech	
A Shift	B Shift
Deluca-s	Devilbiss-s
Duckett-s	Geihm-s
	Westling-s
Secord-s	Shemicoff-s
Bruno-t	Howard-t
Hernandez-t	
Rodriguez-t	
Santiago-t	
Stair Truck	
2	
3	
Foam Trailer	
5	
6	
Air Trailer	
8	
9	
Mass Casualty	
11	
14	
Heavy Rescue	
Decon Team	
Days	
3	1
6	4
9	7
15	12

## **ADDENDUM # 10**



## MEMORANDUM

*Los Angeles World Airports*

 COPY

Date: April 21, 2016

To: Airport Safety Officer Marvin Wimbish, Serial Number 93331

From: Patrick M. Gannon, Chief of Airport Police

Subject: Administrative Assignment

Effective immediately, you are being placed on an administrative assignment, with pay, at your residence. Starting April 21, 2016, you will call in at 0800 and call out at 1700. For the rest of the duration for your administrative assignment starting April 21, 2016, your hours are changed to Monday through Friday 0800 – 1700 and you must be available during these designated hours.

You must call in daily at 0800 and call out at 1700 and speak directly with an Internal Affairs Investigator. The phone number is (424) 646-5454. In the event of his/her absence you must leave a voicemail message on the Administrative Assignment Call-In Line at (424) 646-5454. You are required to telephonically attempt to make direct contact as outlined. If you are going to leave your residence during these hours, you must follow the same notification procedures, and you must call in to the Administrative Assignment Call-In Line to advise of the duration and reason. In the event there are any problems with availability or work related issues you must contact an Internal Affairs supervisor at (424) 646-5454. *Be advised that while on Administrative Assignment this is your duty assignment for the day and failure to call in punctually will result in carrying your time as "AW." This means your time will be carried "Absent without Leave" (without pay).*

During the period of your administrative assignment, you are to relinquish your Department identification card, airport identification card, Sam Browne, and any other property that was given to you by the Department to your supervisors to be given to Internal Affairs. You are not to enter Department property during this assignment without the prior approval of the Officer-In-Charge of Internal Affairs, Lieutenant Imer Chavez.

Additionally, you are hereby instructed to provide the Division with your current address and phone number.

Failure to adhere to any of the above orders shall and will result in an additional charge of LAWA Administrative Manual Section 5.020 D.1 Refusal to perform reasonable work assignments or to cooperate with supervisors or management in the performance of duties (insubordination).

PMG:lc

cc: Officer-In-Charge, Lieutenant Imer Chavez  
Paula Adams, LAWA Department Personnel Director  
Internal Affairs  
HRLU File and Employee Divisional File

Marvin Wimbish  
April 21, 2016  
Page 2

Items surrendered by Marvin Wimbish	
ONT Badge #	✓ <i>passing to store 202003</i>
Airport Police Identification # - Sworn	✓ "
Police Officer Badge #	✓ "
Fire Badge #	✓ "
Fire ID	✓ "
Misc. Items	
<i>Pon 92 FS Am 3 mags Ammo</i>	

CONTACT INFORMATION:

Current Address	[REDACTED]
Current Phone Number	[REDACTED]
Cell or Alternate Number	[REDACTED] <i>X</i>

I HAVE RECEIVED A COPY OF THIS DOCUMENT:

*Marvin Wimbish* 4-21-2016  
EMPLOYEE SIGNATURE DATE

*Sam Sef* 4-21-16  
WITNESS SIGNATURE DATE  
*Sam Wimbish  
#10324*

## ISSUE & TURN-IN RECORD

DATE  
4/21/16

ISSUED TO: NAME (RANK-DEPT. OR DIV/UNIT)

PHONE

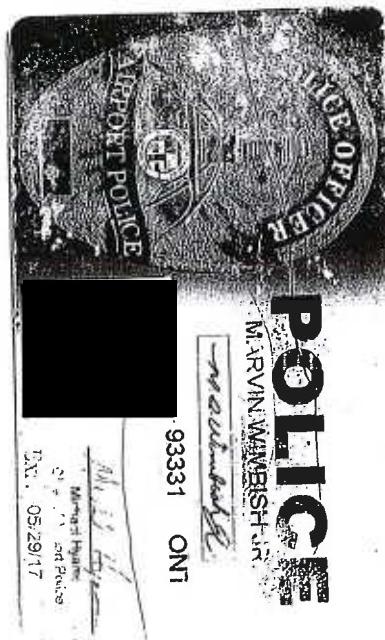
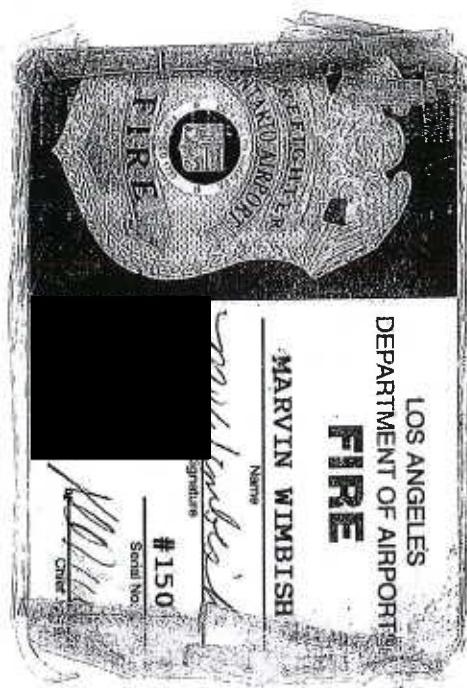
ISSUE TO: SIGNATURE

**ISSUED BY: SIGNATURE**

PB 013

DISTRIBUTION: WHITE - ISSUING DIVISION

CANARY - RÉQUESTER



## **ADDENDUM # 11**

**LOS ANGELES WORLD AIRPORTS  
POLICE DIVISION**

**NOTICE OF INTERVIEW**

**TO: Airport Safety Officer Marvin Wimbish Jr.**

**DATE: April 27, 2016**

A complaint has been filed against you by the Airport Police Division. On Wednesday, April 20, 2016, it was alleged that you were observed engaging in conduct in conflict with police officer duties while on duty at Ontario International Airport.

This is to officially notify you to report to the Los Angeles Airport Police Internal Affairs Unit on Thursday, May 12, 2016 at 1100 hours, to respond to the allegations set forth above. Failure to appear as scheduled may result in disciplinary sanctions against you.

This investigation has been assigned to Sergeant Belinda L. Nettles. At the time of the interview, you may be represented by anyone of your choice, and that person may be present throughout your interview. Your representative shall not be a person subject to the same investigation, or a witness involved in the investigation. Your representative shall not be required to disclose, nor be subjected to, any punitive action for refusing to disclose any information received from you while under investigation in non-criminal matters. In the event other observers or investigators are present at the interview on behalf of the Division, they will be identified to you. At no time will more than two persons ask questions of you.

The complete interview may be tape-recorded. In the event the interview is recorded and information from that interview is used in future proceedings, or is the basis to support allegations against you, you will be given a copy of the recorded interview. You have the right to bring your own recording device and record any and all aspects of the interview. You will be entitled to all reports and/or complaints, except those which are deemed by the Department/Division to be confidential. No notes or reports which are deemed confidential will be entered into your personnel file unless they are used to support charges against you, and in this event you will be given copies.

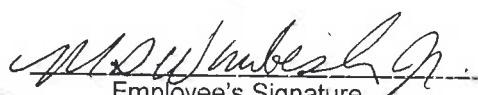
You will not be subjected to the press or news media without your expressed consent. Neither your home address nor your photograph will be given to the press or news media without your expressed consent.

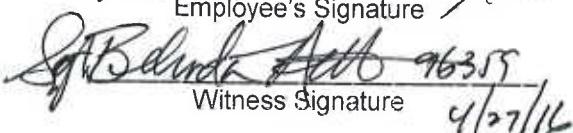
You are ordered not to discuss this investigation with anyone other than your employee representative, attorney, your commanding officer, or the investigator assigned to this case. A violation of this order could result in a charge of insubordination.

If prior to or during the interview, it is deemed that you may be the subject of a possible criminal offense; you shall be immediately informed of your constitutional rights prior to the official interview. If you have any questions prior to the interview date, please contact me at (424) 646-6104.

Belinda Nettles, Sergeant II  
Los Angeles Airport Police  
Internal Affairs Unit

I have received a copy of this document.

  
Employee's Signature

  
Witness Signature 4/27/16

## **ADDENDUM # 12**

# LOS ANGELES AIRPORT POLICE DIVISION

## Personnel Complaint Interview Lead-in Forms

This is a tape-recorded interview of Internal Affairs investigation Case Number CF#16-035.

Today's date is *May 12, 2016* and the time is 1114. The location of the interview is 7303 World Way West, Internal Affairs Office, 2<sup>nd</sup> Floor, Interview Room.

This interview is being conducted by me Sergeant Belinda Nettles an investigator with the Internal Affairs Unit. My serial number is 96359.

The second investigator is Sergeant William Handley, also of Internal Affairs.  
What is your serial number? 03524

Present to be interviewed is Officer Marvin Wimbish Jr. Officer Wimbish would you spell your last name for the record? What is your serial number? #93331

Officer Wimbish is accompanied by Attorney Kone as his chosen employee representative. Mr. Kone would you spell your last name for the record?

This Internal Affairs investigation is currently being conducted regarding an allegation that *you were observed engaged in conduct in conflict with your police officer duties while on duty on April 20, 2016*.

The complete interview may be recorded. In the event the interview is recorded and information from that interview is used in future proceedings, or is the basis to support allegations against you, you will be given a copy of the recorded interview. You have the right to bring your own recording device and record any and all aspects of the interview. You will be entitled to all reports and/or complaints, except those which are deemed by the Division to be confidential. No notes or reports which are deemed confidential will be entered into your personnel file unless they are used to support charges against you, and in this event you will be given copies.

(NOTE: If the accused employee does not have a representative present, state, "You have the right to be represented by a representative of your choice, who may be present at all times during the interrogation. Because you do not have one, do you knowingly and willingly waive your right at this time to have a representative present during this interrogation?")

## ADMONITION OF MIRANDA RIGHTS

1. Officer *Marvin Wimbish Jr.*, during this interview, it is not currently anticipated that you will be asked questions about circumstances which may be criminal in nature. Therefore, I do not intend to advise you of your Miranda rights at this time, unless you request me to do so. (response: NO).

**OR**

2. Officer *Marvin Wimbish Jr.*, during this interview, it is currently anticipated that you will be asked questions about circumstances which are criminal in nature. Therefore, I am going to advise you of your Miranda rights.

You have the right to remain silent. Do you understand?

Anything you say may be used against you in court. Do you understand?

You have the right to the presence of an attorney before and during any questioning. Do you understand?

If you cannot afford an attorney, one will be appointed for you, without charge, before any questioning. Do you understand?

Thus advised of your Miranda rights, will you waive those rights and provide voluntary statements and responses to the questions that will be posed during this interview? (response: \_\_\_\_\_).

## ADMONITION OF ADMINISTRATIVE RIGHTS

(Lybarger Admonition for sworn; Lefkowitz Admonition for civilian)

Officer *Marvin Wimbish Jr.*, while you have the right to remain silent with regard to any *criminal* investigation, you do not have the right to refuse to answer my *administrative* questions.

# LOS ANGELES AIRPORT POLICE DIVISION

CF # 16-035

## Administrative Orders

As a representative of the Chief of Airport Police,

I am ordering you to answer any and all questions relating to this investigation. If you refuse to answer any questions, your silence may be deemed as insubordination and may result in administrative discipline.

I am ordering you to answer any and all questions related to this investigation truthfully. Making any false or misleading statements is misconduct and may result in administrative discipline.

Read the sentences below aloud, then sign and date to acknowledge you understand the Administrative Orders that were read to you.

I understand my Administrative Orders as read to me.

  
\_\_\_\_\_  
Signature

5/12/2016  
Date

I agree to answer all questions related to this investigation. *under Threat of Discipline*

  
\_\_\_\_\_  
Signature

5/12/2016  
Date

## **ADDENDUM # 13**